

PETITION FOR ZONING RE-CLASSIFICATION  
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an O-1 (Office Building) zone to an B.M.-C.T. (Business, Major, Commercial) zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the Commercial, said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, Town-center core for ... Not applicable.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County: Not applicable

NOTE: See attached Memorandum in support.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):  
Contract Purchaser:  
Lex Land, 205 and 207 Allegheny Avenue,  
(Type or Print Name)

Signature: J. Earle Plumbhoff  
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MEMORANDUM IN SUPPORT OF CHANGE IN ZONING

Property Owners: Lex Land, et. al ACREAGE: Approximately 1.55

Location: E/S Bosley Avenue, S/S Allegheny Avenue,  
N/S Pennsylvania Avenue, W/S unnamed alley

Election District: 9

Councilmanic District: 4

Zoning Prior To Adoption Of 1984 Comprehensive Zoning Map: R-0

Existing Zoning: O-1 (within Towson Town Center boundary)

Requested Zoning: B.M.- C.T.

This property consists of four parcels owned by the Petitioners totalling approximately .66 acres, and areas owned by Baltimore County. The entire O-1 zoned area contains approximately 1.55 acres.

Three separate buildings are located on the property. Each of these older structures, which have been converted from single-family dwellings to law and business offices, offer limited space for office uses and are in need of repair.

To the west is Bosley Avenue. On the opposite side of Bosley Avenue stands several three-story apartment buildings and a church, on R-0 zoned property. To the north is the Bosley Building, a five story multi-use office building, which obtained B.M.-C.T. zoning during the 1984 Comprehensive Zoning Map process. The Bosley Building site was previously zoned R-0. To the west, across the unnamed alley, are five office buildings which have been converted from single-family dwellings and one residence. All of the property to the east enjoys B.M.-C.T.

zoning. To the south is the County Courts Building, which is also zoned B.M.-C.T.

Prior to the adoption of the 1984 Comprehensive Zoning Map, all of the property east of Bosley Avenue, north of Pennsylvania Avenue to Joppa Road, and west of the unnamed alley was zoned R-0. The Office of Planning and Zoning created Issue No. 4-44 requesting O-1 zoning for the entire area. H. Stephen Dance and Allegheny '76 Limited Partnership created Issue No. 4-94 and requested B.M.-C.T. zoning for that portion of Issue No. 4-44 north of Allegheny Avenue.

The Planning Board recommended O-1 zoning for all the properties in Issue Nos. 4-44 and 4-94. Restrictive Covenants were entered into for the property north of Allegheny Avenue with Towson Development Corporation and the property owners for the purpose of avoiding commercial exploitation of the Loop Road System. The County Council granted B.M.-C.T. zoning to those properties north of Allegheny Avenue.

The property owners south of Allegheny Avenue did not actively participate in Issue No. 4-44 or 4-94. At that time, one of the parcels was tied up in the administration of an Estate. The County Council adopted O-1 zoning for the parcels south of Allegheny Avenue which are the subject of this Petition.

The O-1 zoning classification of this property is inconsistent with the Towson Town Center Plan, which is part of the Baltimore County Master Plan 1979-1990. The Towson Plan specifically calls for B.M.-C.T. zoning for all of these areas inside (east) of the Loop Road System.

The areas within a two and at most three block radius surrounding the court buildings, within the Loop Road System, are considered the primary office location and central core of Towson.

Section 204.2.D of the Baltimore County Zoning Regulations states as follows:

"It is intended that property not be classified as O-1 unless it is a minimum of approximately 2 acres."

The total acreage presently zoned O-1 is approximately 1.55 acres. The area under private ownership is even much less, being approximately one acre. The present O-1 zoning classification is inconsistent with the requirements of the Baltimore County Zoning Regulations.

The O-1 zoning classification does not permit reasonable office development of these parcels. The floor area ratio in O-1, (0.55), is much smaller than that permitted in B.M.-C.T., (5.5). Such a limitation inhibits the development of the site and is contrary to the Towson Plan.

The Capital Budget and 5-Year Capital Program indicates expenditures of approximately \$20 million for the Greater Towson area for numerous uses. These monies will be spent on modernizing and upgrading the County Courts Building and Governmental Complex, the Police Headquarters, the Towson road signal system, Towson High School, the Towson Branch Library, the Towson Senior Center and for several other important items. Over \$6 million has been appropriated to provide numerous streetscape and urban design plans, roadway construction and alterations, utility relocation, pedestrian and transit amenities and additional parking sites and facilities in the Towson Town Center.

Providing for additional office construction in the core area will help provide a tax base to support these expenditures and assist development in accordance with the Master Plan.

The property owners intend to consolidate their marketing efforts and plan a first class office building for the entire site. Restrictive

County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 491-3180

June 11, 1986

Newton Williams, Esq.  
204 W. Pennsylvania Ave.  
Towson, Md. 21204

Dear Mr. Williams:

Enclosed herewith please find copy of Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.

cc: Agnes J. Kerr  
John and Viola Sibrea  
Guy and Patricia Zimmerman  
Millard and Trudy Bloom  
Lex Land  
James E. Kraft  
Phyllis C. Friedman  
Norman E. Gerber  
James Hoswell  
Arnold Jatlion  
Jean M.H. Jung  
James E. Dyer

IN THE MATTER OF  
AGNES J. KERR, ET AL  
FOR ZONING RECLASSIFICATION  
OF PROPERTY LOCATED ON THE EAST  
SIDE OF BOSLEY AVENUE, BETWEEN  
ALLEGHENY AND WEST PENNSYLVANIA  
AVENUES - 9th DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. R-86-339

OPINION

This case comes before this Board on petition for a zoning reclassification from O-1 to B.M.-C.T. The parcel under petition consists of four sub-parcels owned by petitioners, all of whom are identified on the petition itself.

William Hesson, Esq., first testified, his firm being known as Lex Land, owners of 205 and 207 Allegheny Avenue. He testified on behalf of all the property owners. He described the existing structures on the site and the surrounding area. He noted that the O-1 zoning afforded this site was the only remaining O-1 zoning inside the so called ring road which defines the Towson Center boundary. He also testified that the acreage contained in this parcel was 1.55 acres if the property lines are considered to be the street center lines but that only .66 acres could actually be deemed useable area. He testified that their desire was to raze the existing structures and build a modern office building on this site as large as would be permitted under the proposed B.M.-C.T. classification. Under the O-1 classification, a floor area ratio for office use is only .5 while the B.M.-C.T. classification is 5.5. On a site this small, the .5 floor area ratio would not, for all practical purposes, justify the proposed office building. He also pointed out that B.M.-C.T. zoning would provide consistency with all surrounding properties and would conform to the Towson Center Plan. He also testified that covenants were being prepared to be entered among the Land Records of Baltimore County that would protect the area against undesirable uses associated with the proposed office building.

Agnes J. Kerr, et al  
Case No. R-86-339

George E. Gavrellis, Planner, next testified for the petitioners. He noted that by Baltimore County Regulations, the O-1 zone requires a minimum of two (2) acres, whereas this parcel contains only 1.55 total acreage. He testified that originally this area encompassed more than the two acre minimum, but that on the 1984 Comprehensive Map, one acre plus, adjoining this parcel, was rezoned to B.M.-C.T. leaving only 1.55 acres in O-1. He also testified that this 1.55 acres was virtually completely paved at present. He also testified that all utilities with sufficient capacity are available to this site. He testified at length on the Towson Plan, adopted by the Council in January, 1981, which clearly shows this entire area to be zoned B.M.-C.T. and stated that there was no reason to retain this O-1 classification which is an obvious error.

Leslie Graef, 29 W. Pennsylvania Avenue, next testified. He stated he represented Towson Development Corp. which is a sort of "watch dog" over development in the Towson area. He testified there was no objection to office use on this site, but any "drive-in" use would be inappropriate. He was actively participating with the petitioners to finalize the proposed covenants, the only one of which remained to be agreed upon was agreement on the signs associated with the office use.

James Hoswell, Planner for Baltimore County, was the final witness to testify. He testified that he had reviewed this petition and that in his opinion the O-1 zoning was indeed in error. He noted that it is too small in size to conform and that O-1 is not consistent with the Towson Plan. This concluded testimony in this case.

After consideration of all the testimony and evidence presented this day, this Board is persuaded that the O-1 zoning is in fact in error.



Agnes J. Kerr, et al  
Case No. R-86-339

The O-1 zoning is not only totally inconsistent with the Towson Plan, but it is obviously too small. When the B.M.-C.T. zoning was granted, the parcel to the north on the 1984 Comprehensive Map should surely have been included, whether it was an issue or not. The Board also notes all the testimony concerning the proposed covenants to protect the proposed office use from any undesirable element. It is the opinion of this Board that the O-1 zoning on this site is in error and will so Order.

#### ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of June, 1986, by the County Board of Appeals, ORDERED that the requested change from O-1 zoning to B.M.-C.T. zoning as described in the petition for same, be and the same is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

LeRoy B. Spurrer  
LeRoy B. Spurrer

DAFT-MCQUINE-WALKER

200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: 301-296-3333  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

#### Description

For the Purpose of Zoning Reclassification; 1.55 Acre Parcel, North Side of Pennsylvania Avenue, East Side of Bosley Avenue, South Side of Allegheny Avenue, Ninth Election District, Baltimore County, Maryland.

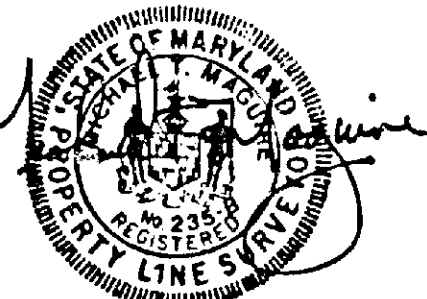
Beginning for the same in Bosley Avenue and in the center line of Allegheny Avenue, eighty feet wide, at its intersection with the line between the area zoned "R0" and the area zoned "O-1", as shown on the 1984 Comprehensive Zoning Map of Baltimore County, running thence binding on the center line of said Allegheny Avenue, (1) South 83 degrees 30 minutes 40 seconds East 162.45 feet, more or less, thence to and along the center line of the twenty foot alley there situate, (2) southerly 390.00 feet to a point on the center line of West Pennsylvania Avenue, sixty feet wide, thence binding on the center line of said Pennsylvania Avenue, (3) North 83 degrees 30 minutes 40 seconds West 163.47 feet, more or less, to a point in Bosley Avenue and on the zoning line herein referred to, and thence binding on said zoning line three courses: (4) North 13 degrees 57 minutes 31 seconds West 28.57 feet, (5) North 06 degrees 31 minutes 46 seconds East 327.15 feet, and (6) North 24 degrees 55 minutes 20 seconds East 38.03 feet to the place of beginning.

Containing 1.55 acres of land, more or less.

Our Job Number: 85112 (OD: L85112)

August 22, 1985

Page 1 of 1



Jim S. Cople II  
VICE COPY

#### PETITION FOR RECLASSIFICATION

LOCATION: East Side of Bosley Avenue, between Allegheny and West Pennsylvania Avenues

PUBLIC HEARING: Tuesday, April 1, 1986, at 10:00 a.m.  
Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:  
To reclassify the zoning status of property from an O-1 Zone to a RM-CT Zone

All that parcel of land in the 9th Election District of Baltimore County

Beginning for the same in Bosley Avenue and in the center line of Allegheny Avenue, eighty feet wide, at its intersection with the line between the area zoned "R0" and the area zoned "O-1", as shown on the 1984 Comprehensive Zoning Map of Baltimore County, running thence binding on the center line of said Allegheny Avenue, (1) South 83 degrees 30 minutes 40 seconds East 162.45 feet, more or less, thence to and along the center line of the twenty foot alley there situate, (2) southerly 390.00 feet to a point on the center line of West Pennsylvania Avenue, sixty feet wide, thence binding on the center line of said Pennsylvania Avenue, (3) North 83 degrees 30 minutes 40 seconds West 163.47 feet, more or less, to a point in Bosley Avenue and on the zoning line herein referred to, and thence binding on said zoning line three courses: (4) North 13 degrees 57 minutes 31 seconds West 28.57 feet, (5) North 06 degrees 31 minutes 46 seconds East 327.15 feet, and (6) North 24 degrees 55 minutes 20 seconds East 38.03 feet to the place of beginning.

Containing 1.55 acres of land, more or less.

Being the property of Agnes J. Kerr, et al, as shown on the plat plan filed with the Zoning Department.

BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS  
FROM O-1 TO B-M-CT ZONE  
E/S Bosley Ave., between : OF BALTIMORE COUNTY  
Allegheny & W. Pennsylvania Ave.  
Ninth Election District :  
AGNES J. KERR, et al., : Case No. R-86-339  
Petitioners

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Nolan, Plunkhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Counsel for Petitioners.

Peter Max Zimmerman  
Peter Max Zimmerman

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3333

ARNOLD JABLON  
ZONING COMMISSIONER

March 19, 1986

G. Scott Darlight, Esquire  
234 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING RECLASSIFICATION  
E/S Bosley Ave., between Allegheny and W. Pennsylvania Avenues  
9th Election District  
AGNES J. KERR, et al - Petitioners  
Case No. R-86-339 (Cyle II - Item No. 5)

Dear Mr. Darlight:

This is to advise you that \$420.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, and remit to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
Arnold Jablon  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 018547

DATE	ACCOUNT
AMOUNT	\$
RECEIVED FROM	
FOR	
VALIDATION OR SIGNATURE OF CASHIER	

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., March 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 13, 1986.

THE JEFFERSONIAN,

18 Kenton

Publisher

Cost of Advertising

33.00

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9th  
Posted for: Reclassification  
Publisher: Agnes J. Kerr, et al  
Location of property: E/S Bosley Ave., between Allegheny and West Pennsylvania Avenues  
Location of Sign: 18 Kenton, 18 Kenton, 18 Kenton, 18 Kenton, 18 Kenton  
Remarks: Sign in front of 18 Kenton, 18 Kenton, 18 Kenton, 18 Kenton, 18 Kenton  
Posted by: J. D. Smith  
Number of Signs: 18

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 12, 1986.

TOWSON TIMES,

18 Kenton

Publisher

55.25



G. Scott Barhight, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

February 28, 1986

Ms. Agnes J. Kerr  
210 Pennsylvania Avenue  
Towson, Maryland 21204  
Mr. John E. Sibrea  
Mrs. Viola I. Sibrea  
208 Pennsylvania Avenue  
Towson, Maryland 21204

Mr. Guy L. Zimmerman  
Mrs. Patricia Zimmerman  
208 Pennsylvania Avenue  
Towson, Maryland 21204

#### NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION  
East Side of Bosley Avenue, between Allegheny and  
West Pennsylvania Avenues  
9th Election District  
Agnes J. Kerr, et al - Petitioners  
Case No. R-86-339 (Cycle II - Item No. 5)

TIME: 10:00 a.m.

DATE: Tuesday, April 1, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCIAL REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 012623

*T. Hackett*  
T. Hackett, Chairman  
Board of Appeals

DATE: ACCOUNT:

AMOUNT: \$

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

#### RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT, dated and entered into this 31st day of May, 1986, by and among Lex Land, a Maryland partnership, Millard D. Bloom and Trudy Bloom, husband and wife, John E. Sibrea and Viola I. Sibrea, husband and wife, Guy L. Zimmerman and Patricia Zimmerman, husband and wife and Agnes J. Kerr (all hereinafter jointly and severally referred to as "Grantors"), parties of the first part, and the Towson Development Corporation, a Maryland corporation (hereinafter the "Corporation"), party of the second part.

#### RECITALS

1. Grantors are the owners of the several parcels of land located on the east side of Bosley Avenue, south of Allegheny Avenue, north of Pennsylvania Avenue and west of an unnamed alley which runs between and connects Allegheny and Pennsylvania Avenues in Towson, Ninth Election District of Baltimore County, Maryland, as particularly described on Exhibit A attached hereto and incorporated by reference herein (the "Property").

2. Grantors have petitioned or will be petitioning the appropriate officials of Baltimore County to request a zoning reclassification from the existing O-1 zoning to RM-CT zoning for the Property pursuant to Baltimore County Code, Section 2-58.1.

3. The Corporation is a non-profit local development corporation comprised of many community and business leaders in the Towson area,

joined together for the purpose of assisting in the implementation of the 1979 Towson Towncenter Master Plan as adopted by the County Council of Baltimore County.

4. In response to the Grantors' desires to request a change in zoning, the Corporation believes it important to have certain restrictions placed upon the use of the Property to assure that the Grantors' use is not inconsistent with the Towson Towncenter Master Plan.

5. Grantors are willing to place certain restrictions upon the uses of the Property upon certain conditions hereinafter contained.

6. In order to make the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect upon the Property described in Exhibit A and upon the present and future owners and occupants thereof, parties have entered into this Agreement, to the end and to the intent that the parties of the first part, their successors and assigns, will hold, utilize and hereafter convey or foreclose their property subject to the said covenants, restrictions and conditions contained herein.

#### AGREEMENT

Now therefore, in consideration of the mutual agreements, covenants, restrictions and conditions herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents, and agree as follows:

1. Upon the successful final rezoning of the Property to RM-CT pursuant to Baltimore County Code, Section 2-58.1, all possible appeals

having been exhausted, the Grantors for themselves, their successors and assigns and the grantees of all or any portion of the Property, until the first day of January, 2000, agree to use the Property as follows:

#### A. Permitted Uses

(1) That the Property shall be used only as permitted pursuant to Section 233 of the Baltimore County Zoning Regulations, 1981, as amended, except as otherwise provided herein.

(2) That drive-in banks are a use permitted upon the Property provided that the access and circulation pattern for automobiles provides for stacking lanes which do not utilize abutting front or side streets.

(3) That living quarters in a commercial building are a use permitted upon the Property.

(4) That signs are a use permitted upon the Property and each parcel that comprises the Property. It is agreed that as to each street frontage of the Property, namely, Pennsylvania Avenue, Bosley Avenue and Allegheny Avenue, that each such street frontage shall be treated as a separate lot and a separate building for the purpose of signage. It is thus agreed that each of the three frontages shall be considered a separate building and each frontage shall be entitled to such signs as are allowed on a building by Section 204.3.C.3. (I-O Zone) of the Baltimore County Zoning Regulations, as presently existent or as hereafter more liberally amended. The Grantors agree to submit for review and approval their designs for signs to Towson Development Corporation. The Corporation agrees to issue its approval or disapproval of the proposed signs within thirty (30) days of the date of submission. The Corporation agrees that the approval of proposed signs will not be unreasonably withheld.

B. Restrictions on Use - The Property shall not be used for any of the following:

- (1) Drive-in retail sales including automobile sales, dry cleaning pick up, drive in restaurants, gas stations, service garages, or automobile lubrication and oil service stations.
- (2) Outdoor storage or display of products;
- (3) Commercial signs advertising services or products not located upon or offered from the Property;
- (4) Retail sales or service facilities, restaurants or commercial recreation facilities of an area less than 3,000 square feet if (i) such use fronts directly onto Bosley Avenue and (ii) the frontage of such use is within 75 feet of the centerline of the right-of-way of Bosley Avenue.

(5) Uses permitted by special exception under Sec. 230.13 and 233.4 of the Baltimore County Zoning Regulations, except as expressly provided in paragraph 1.A. above, but wireless transmitting and receiving structures shall be specifically permitted either as a matter of right or by special exception as the Zoning Regulations may permit.

2. The Corporation on behalf of itself, its successors and assigns agrees that it will not oppose the parties of the first part in their request to rezone the Property to RM-CT.

3. This Agreement and the obligations of the parties hereunder shall require and be conditioned upon the final rezoning of the Property to RM-CT pursuant to Baltimore County Code Section 2-58.1, all possible appeals having been exhausted, and shall remain and continue in full force and effect for so long as the RM-CT zoning classification remains and continues to be applicable to the Property, or, if the RM-CT zone is

amended, so long as the uses permitted under the successor zoning classifications and substantially the same as those permitted under the RM-CT zone.

Upon satisfaction of the conditions contained in paragraph 3 above, these covenants, restrictions and conditions shall be recorded along the Land Records of Baltimore County, Maryland, and that for the term hereof the same shall run with the binding upon the Property and upon all present and future owners thereof and shall inure to the benefit of each of the parties hereto, respectively, their successors, personal representatives and assigns.

The parties hereto warrant and represent that all necessary action required to be taken by their respective charters, by-laws or other organizational documents to authorize the execution of this Agreement has been taken.

All terms used herein are to be defined and construed pursuant to the definitions and provisions of the Baltimore County Zoning Regulation in existence at the date of this Restrictive Covenant Agreement. This Agreement, which may be signed in counterparts, contains the entire understanding of the parties and each of the parties hereto warrant that it has carefully read and understands this Agreement and is cognizant of the terms hereof and has had ample time to have been fully advised by counsel of its choosing of its respective rights and obligations with respect to all matters involved in this Agreement. The failure to enforce any of the covenants, restrictions and conditions contained herein, in any instance, shall in no event constitute a waiver or estoppel of a right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring

prior or subsequent thereto. In the event of any one or more of the covenants, restrictions and conditions herein contained should be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS:

LEX LAND, a Maryland Partnership

By: *J. Earle Plunkhoff* (SEAL)  
J. Earle Plunkhoff  
General Partner

*Millard D. Bloom* (SEAL)  
Millard D. Bloom

*Trudy Bloom* (SEAL)  
Trudy Bloom

*John E. Sibrea* (SEAL)  
John E. Sibrea

*Viola I. Sibrea* (SEAL)  
Viola I. Sibrea

*Guy L. Zimmerman* (SEAL)  
Guy L. Zimmerman

*Patricia Zimmerman* (SEAL)  
Patricia Zimmerman

*Agnes J. Kerr* (SEAL)  
Agnes J. Kerr

*James M. Horden* (SEAL)  
James M. Horden

*Leslie H. Graef* (SEAL)  
Leslie H. Graef, Executive Director

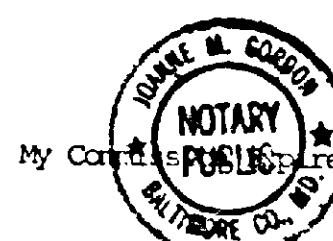
TOWSON DEVELOPMENT CORPORATION

By: *Leslie H. Graef* (SEAL)  
Leslie H. Graef, Executive Director

STATE OF MARYLAND to wit:  
CITY/COUNTY OF BALTIMORE

On this 22 day of May, 1986, before me, the undersigned officer, personally appeared *Leslie H. Graef* who made acknowledgement on behalf of the corporation, who acknowledged himself to be the Executive Director of TOWSON DEVELOPMENT CORPORATION, a corporation, and that he, as such Executive Director, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation *Leslie H. Graef* as Executive Director.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



STATE OF MARYLAND to wit:  
CITY/COUNTY OF HANOVER

ON THIS 20 day of May, 1986, before me, the undersigned officer, personally appeared J. Earle Plunkhoff, who made acknowledgement on behalf of the partnership, who acknowledged himself to a general partner of LEX LAND, a Maryland partnership, and that he as such general partner being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as general partner.



IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on the 31<sup>st</sup> day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared AGNES J. KERR and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: July 1986

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared WILLIAM D. BLOOM and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared TRUDY BLOOM and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared JOHN E. SIBREA and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared VIGOR I. SIBREA and made oath

in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared GUY L. ZIMMERMAN and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared PATRICIA ZIMMERMAN and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

NEW-3/29/86

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-7800

OF COUNSEL  
RALPH E. SEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-1121  
RUSSELL J. WHITE

November 1, 1985

Mr. Kenneth D. Dryden, Chairman  
Baltimore County Planning Board  
Baltimore County Planning Board Members  
Office of Planning and Zoning  
County Courts Building  
Towson, Maryland 21204

Re: Reclassification Petition AGNES J. KERR, et al.  
Property Owners: Lux Land, et al.  
Property Location: 205 and 207 Allegheny Avenue  
208 and 210 Pennsylvania Avenue

Dear Chairman Dryden and Board Members:

Please be advised that this office represents the property owners who have filed the above petition for zoning reclassification. My clients own the above four (4) parcels within the Towson Town Center boundary. The property is currently zoned O-1. The petitioners are requesting a change in zoning to B.M.-C.T. The petitioners intend to develop this site with an office use consistent with the Towson Town Center Plan.

Enclosed is a copy of the Memorandum in Support of Change in Zoning which was filed with the original petition. Hopefully, this Memorandum will answer any general questions that you may have regarding this petition. However, should you have any questions or comments, please feel free to contact me at your convenience.

As the current O-1 zoning is inconsistent with the Towson Town Center Plan, as well as the Baltimore County Zoning Regulations, my clients hope that the Planning Board, and ultimately the Board of Appeals, will look favorably upon this request. I will be available during the Planning Board hearings for any additional questions.

Thank you for your kind attention to this matter.

Very truly yours,

G. Scott Barhight

GSB:ylm  
Enclosure  
cc: Mr. Norman E. Gerber  
Mr. Frank H. Fisher  
Mr. James G. Hoswell

Mr. Joseph V. Maranto  
Mr. Nicholas B. Commodari

THIS PETITION INCLUDES A REQUEST TO  
RECLASS PORTIONS OF BASLEY ALLEGHENE  
W/PENN AVE AND A 20' ALLEY, WITH  
THE EXCEPTION OF THE ALLEY, THE  
OWNERSHIP OF WHICH IS QUESTIONABLE.  
STREET ROWS ARE OWNED BY  
BALTO. CO. AND IN MY OPINION  
CANNOT BE PART OF THIS REQUEST  
UNLESS THE COUNTY PARTICIPATES BY  
SIGNING THE PETITION AS A LEAD  
OWNER. I HAVE ACCEPTED THE PETITION  
(FOR PROCESSING)  
SUBJECT TO DISCUSSION WITH BILL HACKETT

OTHER ENCLOSURES WOULD INCLUDE  
A SKETCH & EXPLANATION OF THE ROAD ROWS  
AT END OF THE TEST AMENDING THE BRIEF &  
NOTES ON THE PLAN

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-7800

OF COUNSEL  
RALPH E. SEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-1121  
RUSSELL J. WHITE

Mr. William Hackett, Chairman  
Mr. Leroy Spurrier  
Kieth Franz, Esquire  
Baltimore County Board of  
Appeals  
Courthouse  
Towson, Maryland 21204

Re: Petition for Reclassification  
Agnes Kerr, et al.  
Zoning Case No.: R-86-339

Gentlemen:

The above-captioned case was heard by you on April 1, 1986. You will recall testimony at the hearing relating to the efforts being made by the property owners to negotiate a Restrictive Covenant Agreement with the Towson Development Corporation. I am pleased to advise that the Restrictive Covenant Agreement has been completed and I enclose herewith a photocopy for your file. The Agreement will be offered for recording among the Land Records for Baltimore County on June 3, 1986.

Should the Board have any questions about this matter, please do not hesitate to contact me.

Very truly yours,  
William M. Hesson, Jr.

WHR/andy

Enclosure

cc: John E. Sibrea, Esquire  
Mrs. Agnes Kerr  
Mr. Les Graef

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 1, 1985

CHIEF OF BUREAU  
1111 N. GUNPOWDER AVE.  
TOWSON, MARYLAND 21204

G. Scott Barhight, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 5, Cycle II  
October, 1985 - April, 1986  
Petitioners - Agnes J. Kerr, et al  
Reclassification and Redistricting  
Petition

Dear Mr. Barhight:

This reclassification and redistricting petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification and redistricting or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

Since the description submitted with this petition includes a parcel of land owned by Baltimore County, as shown on the site plan, there is some question whether a representative from that agency should also sign the petition forms. This should be clarified, and the forms should indicate that your request also includes a redistricting of the subject property.

Item No. 5, Cycle II  
Reclassification and Redistricting Petition  
Page 2  
November 1, 1985

Because the site plan does not indicate a proposed use, the brief should be revised to delete any reference to a proposed use. As a result, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time. If you have any questions concerning these comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:NBC:mr

Enclosures

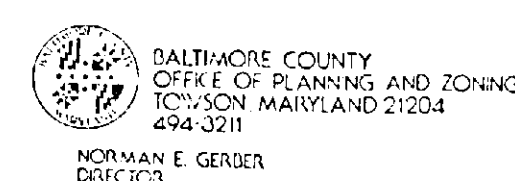
cc: Daft-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204



AGNES J. KERR, ET AL  
#R-86-339  
Item #5, Cycle II, 1985  
E/S BOSLEY AVENUE  
BETWEEN ALLEGHENY AND  
WEST PENNSYLVANIA AVENUE  
9th DISTRICT  
0-1 to B.M. - C.T.  
1.55 acres

Sept. 3, 1985 Petition filed

Scott Barthelet, Esquire  
204 W. Pennsylvania Ave. (21204)  
Petitioner  
Agnes J. Kerr  
210 W. Pennsylvania Ave. (21204)  
John E. Sibrea and  
Viola I. Sibrea  
208 W. Pennsylvania Ave. (21204)  
Guy L. Zimmerman and  
Patricia Zimmerman  
208 W. Pennsylvania Ave. (21204)  
Millard D. Bloom and  
Trudy Bloom  
208 W. Pennsylvania Ave. (21204)  
Lex Land  
205/207 Allegheny Ave. (21204)  
Phyllis Cole Friedman  
People's Counsel  
Norman E. Gerber  
James G. Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
James Earl Kraft  
Baltimore County Board of Education  
212 Alburgh Road (21204)



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

SEPTEMBER 24, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 17, 1985  
Item # 5 - CYCLE II  
Property Owner: AGNES J. KERR, ET AL  
Location: E/S BOSLEY AVE. BETWEEN ALLEGHENY AND WEST PENNSYLVANIA AVES.

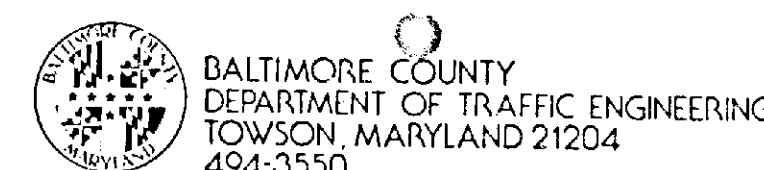
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment, AT THIS TIME.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Code.
- ☒ Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 11/15/84.
- ☒ The property is located in a deficient service area as defined by 811.110-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued by the County Council.
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by 811.110-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ Additional comments: ANY FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL 86-027 - THE DEVELOPMENT REGULATIONS.

cc: James Hoswell

Lynne A. Rober  
Chief, Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

September 23, 1985

Mr. William Hackett  
Chairman, Board of Appeals  
Office of Law, Courthouse  
Towson, Maryland 21204

Cycle II  
Item No. 5  
Property Owner: Agnes J. Kerr, et al

Location: E/S Bosley Avenue, between Allegheny and West Pennsylvania Avenue  
Existing Zoning: O-1  
Proposed Zoning: B.M. - C.T.

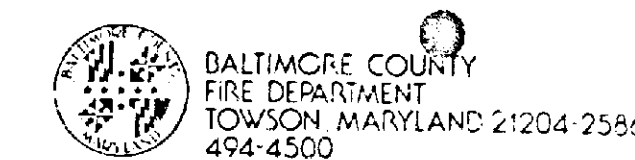
Acres: 1.55  
District: 9th

Dear Mr. Hackett:

The existing O-1 zoning can be expected to generate approximately 370 trips per day. The proposed B.M.-CT zoning can be expected to generate 775 trips per day.

Michael S. Planigan  
Traffic Engineer Assoc. II

MSF/bld



PAUL H. RENCKE  
CHIEF

September 23, 1985

William Hackett  
Chairman, Board of Appeals  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Agnes J. Kerr, et al

Location: E/S Bosley Avenue, between Allegheny & W. Pa. Ave.

Item No.: 5

Zoning Agenda: Meeting of 9/17/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

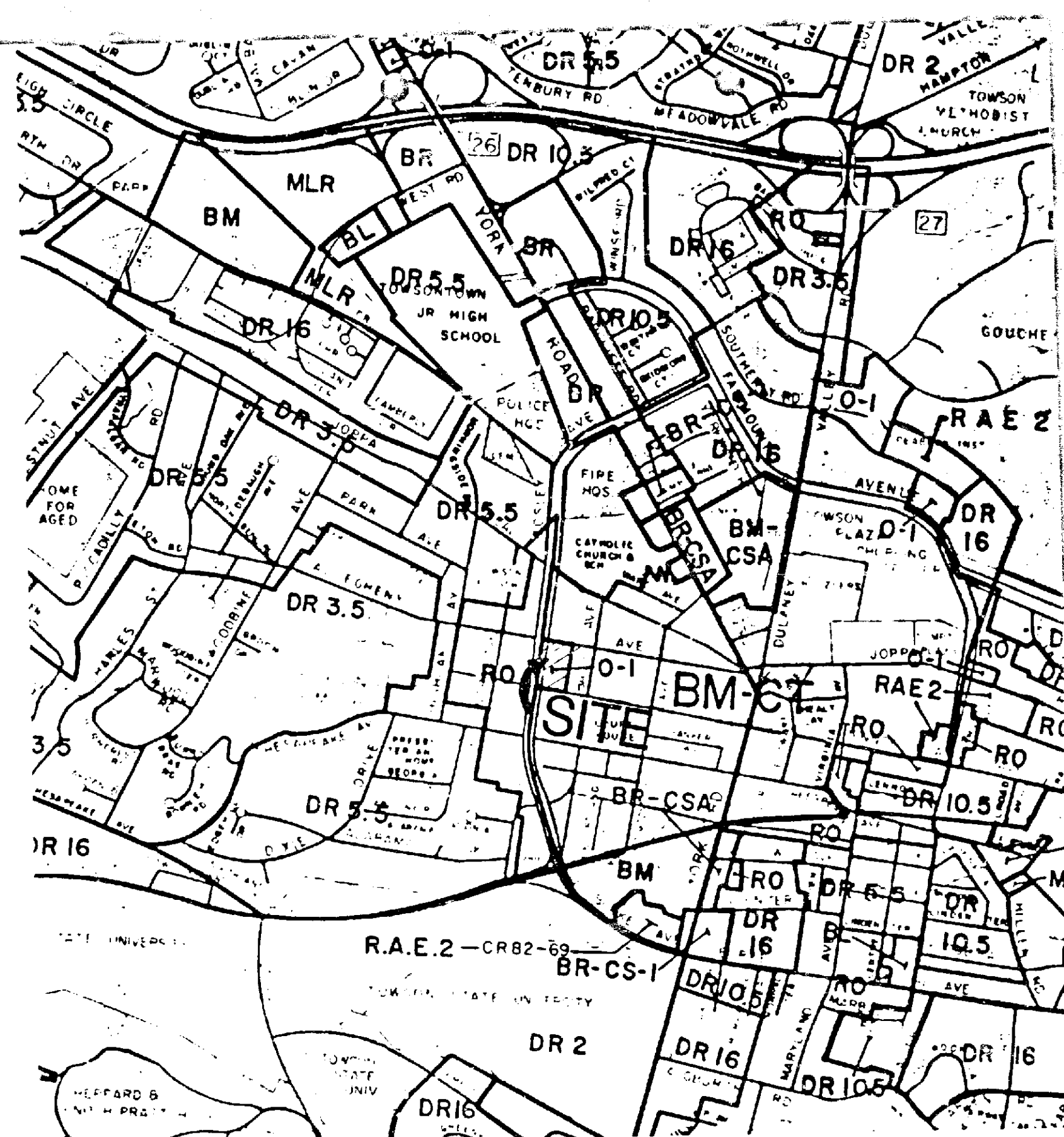
Mr. William Hackett, Chairman, Board of Appeals  
To: Mr. James Dyer, Zoning Supervisor Date: September 24, 1985  
FROM: Charles E. Burnham, Chief, Building Plans Review, Department of Permits and Licenses C.E.B.  
SUBJECT: Cycle II Zoning Meeting Scheduled 9/17/85

ITEM #5 - Agnes J. Kerr, et al  
E/S Bosley Avenue, between Allegheny and West Pennsylvania Avenues  
9th. Election District

The current Building Code as amended and adopted by Council Bill #17-85 is the 1984 Edition of the B.O.C.A. Basic National Building, Mechanical and Energy Codes. Any new construction, alterations, additions, change of use or occupancies shall comply with that Code as long as it remains in force.

Permits for proposed construction, change of occupancy, etc., etc., shall be required prior to any construction work.

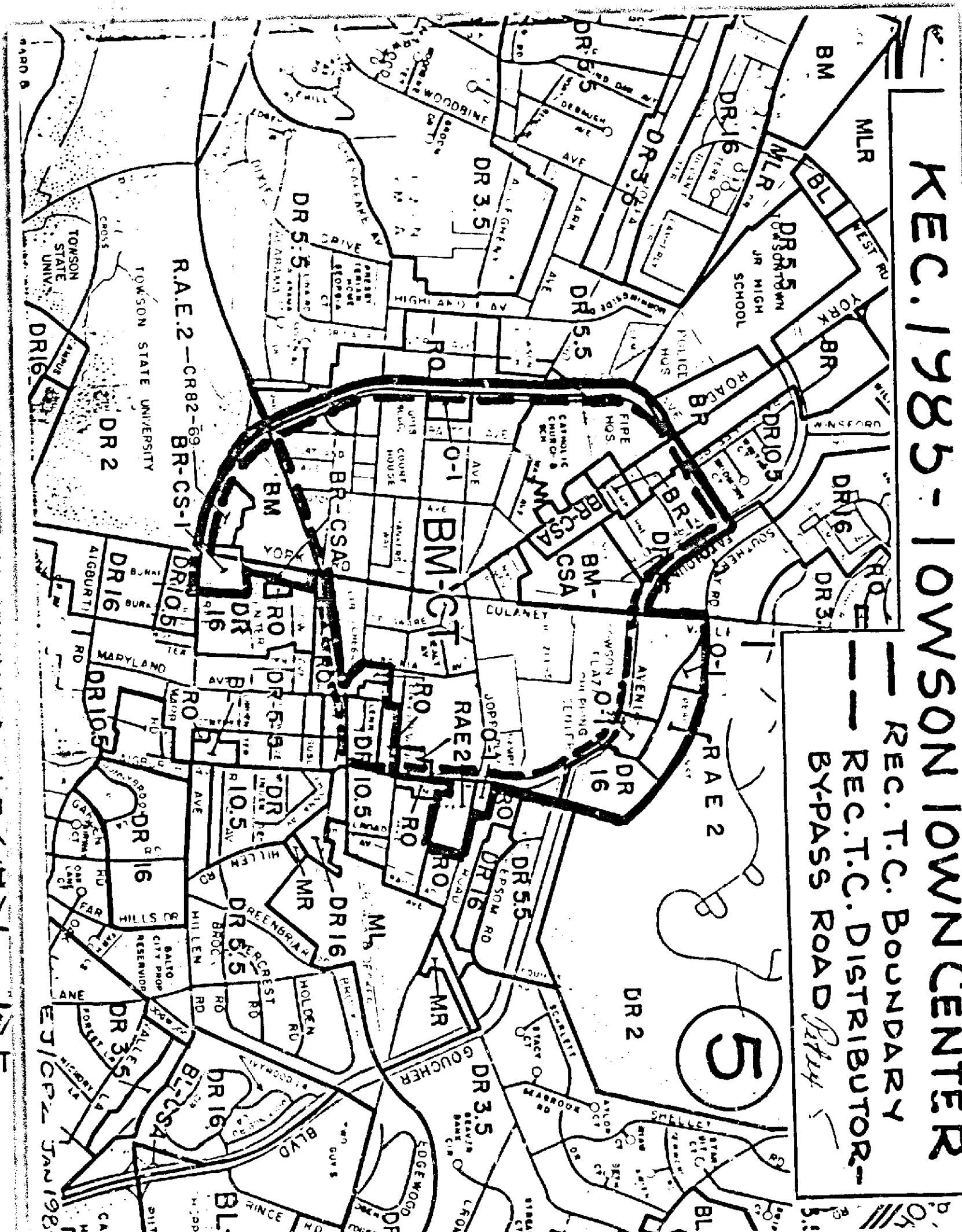
CER/vw



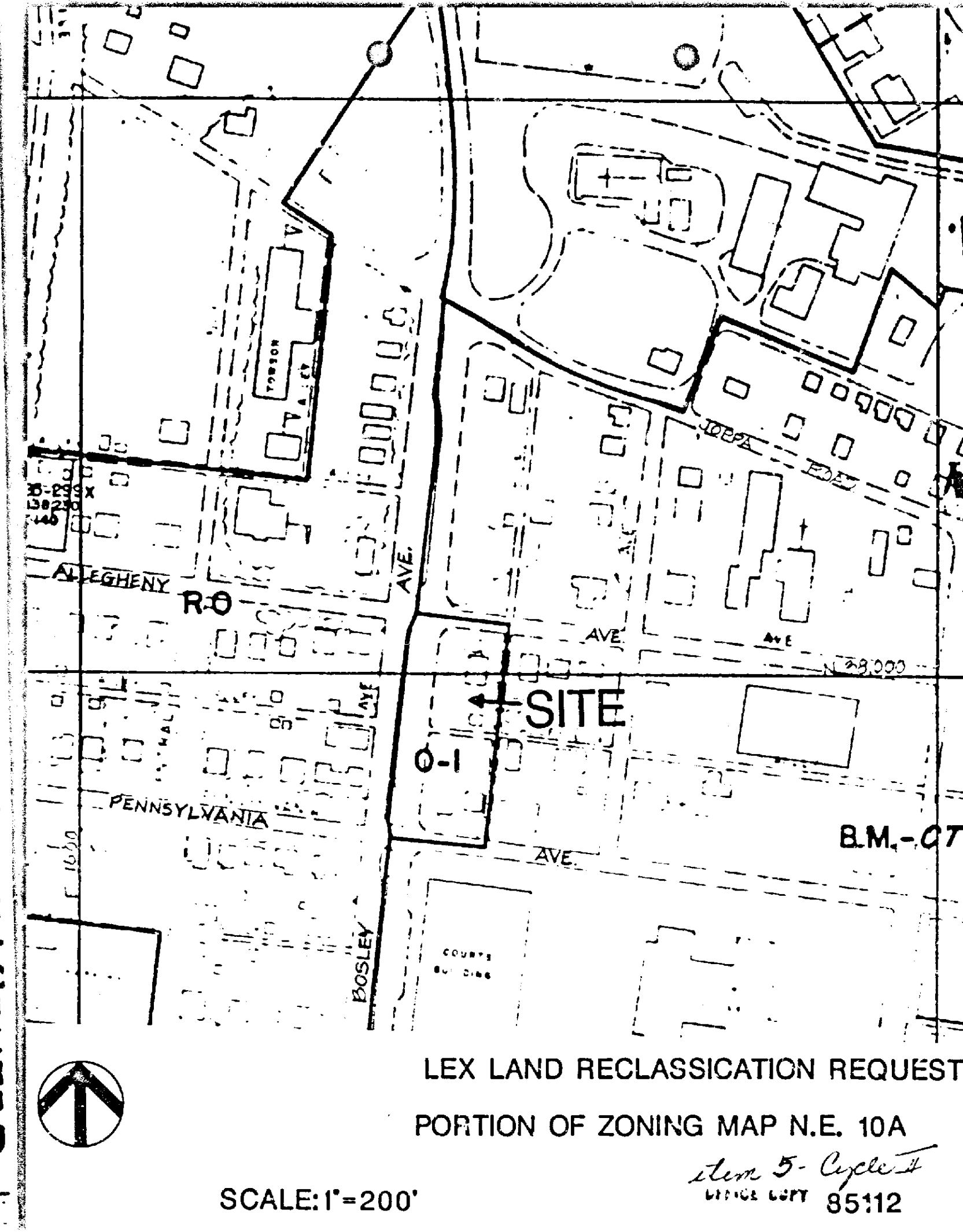
LEX LAND RECLASSIFICATION REQUEST  
PORTION OF ZONING MAP 3-C

SCALE: 1"=1,000'

Item 5 - Cycle II  
OFFICE COPY 85112



REC. 1985-10 WILSON TOWN CENTER  
REC. T.C. BOUNDARY  
BYPASS ROAD



LEX LAND RECLASSIFICATION REQUEST  
PORTION OF ZONING MAP N.E. 10A

SCALE: 1"=200'

Item 5 - Cycle II  
OFFICE COPY 85112







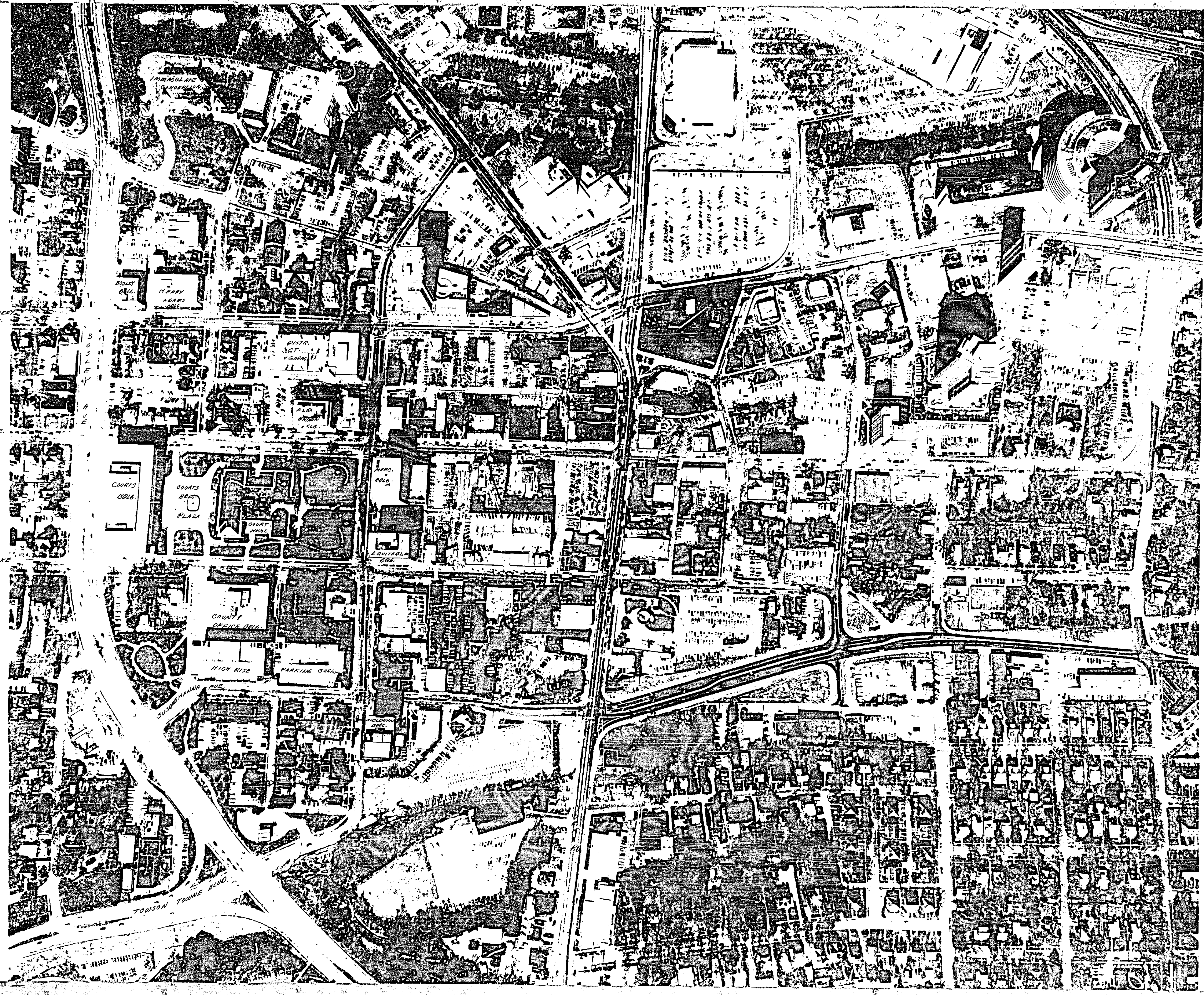
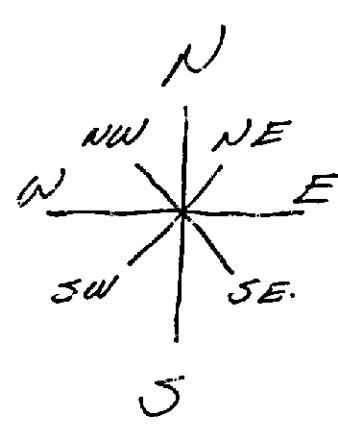
Plate 3

VOORH  
RD.

ALLEGHENY  
AVE.

PENN. AVE.

CAESAREPPE  
AVE.





PETITION FOR ZONING RE-CLASSIFICATION  
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an O-1 (Office Building) zone to an B.M.-C.T. (Business, Major, Commercial) zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the Commercial, said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, Town-center core for ... Not applicable.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County: Not applicable

NOTE: See attached Memorandum in support.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):  
Contract Purchaser:  
Lex Land, 205 and 207 Allegheny Avenue,  
(Type or Print Name)

Signature: J. Earle Plumbhoff  
Signature: J. Earle Plumbhoff

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Signature: J. Earle Plumbhoff

MEMORANDUM IN SUPPORT OF CHANGE IN ZONING

Property Owners: Lex Land, et. al ACREAGE: Approximately 1.55

Location: E/S Bosley Avenue, S/S Allegheny Avenue,  
N/S Pennsylvania Avenue, W/S unnamed alley

Election District: 9

Councilmanic District: 4

Zoning Prior To Adoption Of 1984 Comprehensive Zoning Map: R-0

Existing Zoning: O-1 (within Towson Town Center boundary)

Requested Zoning: B.M.- C.T.

This property consists of four parcels owned by the Petitioners totalling approximately .66 acres, and areas owned by Baltimore County. The entire O-1 zoned area contains approximately 1.55 acres.

Three separate buildings are located on the property. Each of these older structures, which have been converted from single-family dwellings to law and business offices, offer limited space for office uses and are in need of repair.

To the west is Bosley Avenue. On the opposite side of Bosley Avenue stands several three-story apartment buildings and a church, on R-0 zoned property. To the north is the Bosley Building, a five story multi-use office building, which obtained B.M.-C.T. zoning during the 1984 Comprehensive Zoning Map process. The Bosley Building site was previously zoned R-0. To the west, across the unnamed alley, are five office buildings which have been converted from single-family dwellings and one residence. All of the property to the east enjoys B.M.-C.T.

zoning. To the south is the County Courts Building, which is also zoned B.M.-C.T.

Prior to the adoption of the 1984 Comprehensive Zoning Map, all of the property east of Bosley Avenue, north of Pennsylvania Avenue to Joppa Road, and west of the unnamed alley was zoned R-0. The Office of Planning and Zoning created Issue No. 4-44 requesting O-1 zoning for the entire area. H. Stephen Dance and Allegheny '76 Limited Partnership created Issue No. 4-94 and requested B.M.-C.T. zoning for that portion of Issue No. 4-44 north of Allegheny Avenue.

The Planning Board recommended O-1 zoning for all the properties in Issue Nos. 4-44 and 4-94. Restrictive Covenants were entered into for the property north of Allegheny Avenue with Towson Development Corporation and the property owners for the purpose of avoiding commercial exploitation of the Loop Road System. The County Council granted B.M.-C.T. zoning to those properties north of Allegheny Avenue.

The property owners south of Allegheny Avenue did not actively participate in Issue No. 4-44 or 4-94. At that time, one of the parcels was tied up in the administration of an Estate. The County Council adopted O-1 zoning for the parcels south of Allegheny Avenue which are the subject of this Petition.

The O-1 zoning classification of this property is inconsistent with the Towson Town Center Plan, which is part of the Baltimore County Master Plan 1979-1990. The Towson Plan specifically calls for B.M.-C.T. zoning for all of these areas inside (east) of the Loop Road System.

The areas within a two and at most three block radius surrounding the court buildings, within the Loop Road System, are considered the primary office location and central core of Towson.

Section 204.2.D of the Baltimore County Zoning Regulations states as follows:

"It is intended that property not be classified as O-1 unless it is a minimum of approximately 2 acres." The total acreage presently zoned O-1 is approximately 1.55 acres. The area under private ownership is even much less, being approximately one acre. The present O-1 zoning classification is inconsistent with the requirements of the Baltimore County Zoning Regulations.

The O-1 zoning classification does not permit reasonable office development of these parcels. The floor area ratio in O-1, (0.55), is much smaller than that permitted in B.M.-C.T., (5.5). Such a limitation inhibits the development of the site and is contrary to the Towson Plan.

The Capital Budget and 5-Year Capital Program indicates expenditures of approximately \$20 million for the Greater Towson area for numerous uses. These monies will be spent on modernizing and upgrading the County Courts Building and Governmental Complex, the Police Headquarters, the Towson road signal system, Towson High School, the Towson Branch Library, the Towson Senior Center and for several other important items. Over \$6 million has been appropriated to provide numerous streetscape and urban design plans, roadway construction and alterations, utility relocation, pedestrian and transit amenities and additional parking sites and facilities in the Towson Town Center. Providing for additional office construction in the core area will help provide a tax base to support these expenditures and assist development in accordance with the Master Plan.

The property owners intend to consolidate their marketing efforts and plan a first class office building for the entire site. Restrictive

County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 491-3180

June 11, 1986

Newton Williams, Esq.  
204 W. Pennsylvania Ave.  
Towson, Md. 21204

Dear Mr. Williams:

Enclosed herewith please find copy of Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.

cc: Agnes J. Kerr  
John and Viola Sibrea  
Guy and Patricia Zimmerman  
Millard and Trudy Bloom  
Lex Land  
James E. Kraft  
Phyllis C. Friedman  
Norman E. Gerber  
James Hoswell  
Arnold Jatlion  
Jean M.H. Jung  
James E. Dyer

IN THE MATTER OF  
AGNES J. KERR, ET AL  
FOR ZONING RECLASSIFICATION  
OF PROPERTY LOCATED ON THE EAST  
SIDE OF BOSLEY AVENUE, BETWEEN  
ALLEGHENY AND WEST PENNSYLVANIA  
AVENUES - 9th DISTRICT

BEFORE  
COUNTY BOARD OF APPEALS

OF  
BALTIMORE COUNTY

No. R-86-339

OPINION

This case comes before this Board on petition for a zoning reclassification from O-1 to B.M.-C.T. The parcel under petition consists of four sub-parcels owned by petitioners, all of whom are identified on the petition itself.

William Hesson, Esq., first testified, his firm being known as Lex Land, owners of 205 and 207 Allegheny Avenue. He testified on behalf of all the property owners. He described the existing structures on the site and the surrounding area. He noted that the O-1 zoning afforded this site was the only remaining O-1 zoning inside the so called ring road which defines the Towson Center boundary. He also testified that the acreage contained in this parcel was 1.55 acres if the property lines are considered to be the street center lines but that only .66 acres could actually be deemed useable area. He testified that their desire was to raze the existing structures and build a modern office building on this site as large as would be permitted under the proposed B.M.-C.T. classification. Under the O-1 classification, a floor area ratio for office use is only .5 while the B.M.-C.T. classification is 5.5. On a site this small, the .5 floor area ratio would not, for all practical purposes, justify the proposed office building. He also pointed out that B.M.-C.T. zoning would provide consistency with all surrounding properties and would conform to the Towson Center Plan. He also testified that covenants were being prepared to be entered among the Land Records of Baltimore County that would protect the area against undesirable uses associated with the proposed office building.

Agnes J. Kerr, et al  
Case No. R-86-339

George E. Gavrellis, Planner, next testified for the petitioners. He noted that by Baltimore County Regulations, the O-1 zone requires a minimum of two (2) acres, whereas this parcel contains only 1.55 total acreage. He testified that originally this area encompassed more than the two acre minimum, but that on the 1984 Comprehensive Map, one acre plus, adjoining this parcel, was rezoned to B.M.-C.T. leaving only 1.55 acres in O-1. He also testified that this 1.55 acres was virtually completely paved at present. He also testified that all utilities with sufficient capacity are available to this site. He testified at length on the Towson Plan, adopted by the Council in January, 1981, which clearly shows this entire area to be zoned B.M.-C.T. and stated that there was no reason to retain this O-1 classification which is an obvious error.

Leslie Graef, 29 W. Pennsylvania Avenue, next testified. He stated he represented Towson Development Corp. which is a sort of "watch dog" over development in the Towson area. He testified there was no objection to office use on this site, but any "drive-in" use would be inappropriate. He was actively participating with the petitioners to finalize the proposed covenants, the only one of which remained to be agreed upon was agreement on the signs associated with the office use.

James Hoswell, Planner for Baltimore County, was the final witness to testify. He testified that he had reviewed this petition and that in his opinion the O-1 zoning was indeed in error. He noted that it is too small in size to conform and that O-1 is not consistent with the Towson Plan. This concluded testimony in this case.

After consideration of all the testimony and evidence presented this day, this Board is persuaded that the O-1 zoning is in fact in error.



Agnes J. Kerr, et al  
Case No. R-86-339

The O-1 zoning is not only totally inconsistent with the Towson Plan, but it is obviously too small. When the B.M.-C.T. zoning was granted, the parcel to the north on the 1984 Comprehensive Map should surely have been included, whether it was an issue or not. The Board also notes all the testimony concerning the proposed covenants to protect the proposed office use from any undesirable element. It is the opinion of this Board that the O-1 zoning on this site is in error and will so Order.

#### ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of June, 1986, by the County Board of Appeals, ORDERED that the requested change from O-1 zoning to B.M.-C.T. zoning as described in the petition for same, be and the same is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

LeRoy B. Spurrer  
LeRoy B. Spurrer

DAFT-McCUNE-WALKER

200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: 301-296-3333  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

#### Description

For the Purpose of Zoning Reclassification; 1.55 Acre Parcel, North Side of Pennsylvania Avenue, East Side of Bosley Avenue, South Side of Allegheny Avenue, Ninth Election District, Baltimore County, Maryland.

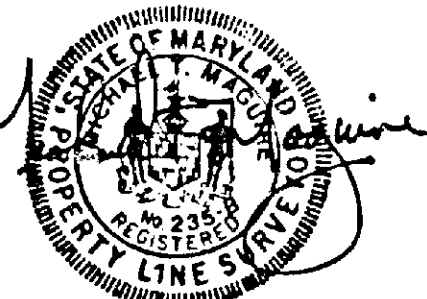
Beginning for the same in Bosley Avenue and in the center line of Allegheny Avenue, eighty feet wide, at its intersection with the line between the area zoned "R0" and the area zoned "O-1", as shown on the 1984 Comprehensive Zoning Map of Baltimore County, running thence binding on the center line of said Allegheny Avenue, (1) South 83 degrees 30 minutes 40 seconds East 162.45 feet, more or less, thence to and along the center line of the twenty foot alley there situate, (2) southerly 390.00 feet to a point on the center line of West Pennsylvania Avenue, sixty feet wide, thence binding on the center line of said Pennsylvania Avenue, (3) North 83 degrees 30 minutes 40 seconds West 163.47 feet, more or less, to a point in Bosley Avenue and on the zoning line herein referred to, and thence binding on said zoning line three courses: (4) North 13 degrees 57 minutes 31 seconds West 28.57 feet, (5) North 06 degrees 31 minutes 46 seconds East 327.15 feet, and (6) North 24 degrees 55 minutes 20 seconds East 38.03 feet to the place of beginning.

Containing 1.55 acres of land, more or less.

Our Job Number: 85112 (OD: L85112)

August 22, 1985

Page 1 of 1



Jim S. Cople II  
VICE COPY

#### PETITION FOR RECLASSIFICATION

LOCATION: East Side of Bosley Avenue, between Allegheny and West Pennsylvania Avenues

PUBLIC HEARING: Tuesday, April 1, 1986, at 10:00 a.m.  
Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:  
To reclassify the zoning status of property from an O-1 Zone to a RM-CT Zone

All that parcel of land in the 9th Election District of Baltimore County

Beginning for the same in Bosley Avenue and in the center line of Allegheny Avenue, eighty feet wide, at its intersection with the line between the area zoned "R0" and the area zoned "O-1", as shown on the 1984 Comprehensive Zoning Map of Baltimore County, running thence binding on the center line of said Allegheny Avenue, (1) South 83 degrees 30 minutes 40 seconds East 162.45 feet, more or less, thence to and along the center line of the twenty foot alley there situate, (2) southerly 390.00 feet to a point on the center line of West Pennsylvania Avenue, sixty feet wide, thence binding on the center line of said Pennsylvania Avenue, (3) North 83 degrees 30 minutes 40 seconds West 163.47 feet, more or less, to a point in Bosley Avenue and on the zoning line herein referred to, and thence binding on said zoning line three courses: (4) North 13 degrees 57 minutes 31 seconds West 28.57 feet, (5) North 06 degrees 31 minutes 46 seconds East 327.15 feet, and (6) North 24 degrees 55 minutes 20 seconds East 38.03 feet to the place of beginning.

Containing 1.55 acres of land, more or less.

Being the property of Agnes J. Kerr, et al, as shown on the plat plan filed with the Zoning Department.

BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS  
FROM O-1 TO B-M-CT ZONE  
E/S Bosley Ave., between : OF BALTIMORE COUNTY  
Allegheny & W. Pennsylvania Ave.  
Ninth Election District :  
AGNES J. KERR, et al., : Case No. R-86-339  
Petitioners

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Nolan, Plunkhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Counsel for Petitioners.

Peter Max Zimmerman  
Peter Max Zimmerman

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3333

ARNOLD JABLON  
ZONING COMMISSIONER

March 19, 1986

G. Scott Darlight, Esquire  
234 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING RECLASSIFICATION  
E/S Bosley Ave., between Allegheny and W. Pennsylvania Avenues  
9th Election District  
AGNES J. KERR, et al - Petitioners  
Case No. R-86-339 (Cyle II - Item No. 5)

Dear Mr. Darlight:

This is to advise you that \$420.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, and remit to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
Arnold Jablon  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 018547

DATE	AMOUNT
RECEIVED FROM	AMOUNT \$
FOR	
VALIDATION OR SIGNATURE OF CASHIER	

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., March 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 13, 1986

THE JEFFERSONIAN,

JB Kentz

Publisher

Cost of Advertising

33.00

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9th  
Posted for: Reclassification  
Publisher: Agnes J. Kerr, et al  
Location of property: E/S Bosley Ave., between Allegheny and West Pennsylvania Avenues  
Location of Sign: 234 W. Pennsylvania Ave., Towson, MD 21204  
Remarks: Sign in front of 234 W. Pennsylvania Ave.  
Posted by: J. D. Smith  
Date of return: 3-14-86  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 12, 1986

TOWSON TIMES,

JB Kentz

Publisher

55.25



G. Scott Barhight, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

February 28, 1986

Ms. Agnes J. Kerr  
210 Pennsylvania Avenue  
Towson, Maryland 21204

Mr. Guy L. Zimmerman  
Mrs. Patricia Zimmerman  
208 Pennsylvania Avenue  
Towson, Maryland 21204

Mr. John E. Sibrea  
Mrs. Viola I. Sibrea  
208 Pennsylvania Avenue  
Towson, Maryland 21204

#### NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION  
East Side of Bosley Avenue, between Allegheny and  
West Pennsylvania Avenues  
9th Election District  
Agnes J. Kerr, et al - Petitioners  
Case No. R-86-339 (Cycle II - Item No. 5)

TIME: 10:00 a.m.

DATE: Tuesday, April 1, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCIAL REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 012623

*T. Hackett*  
T. Hackett, Chairman  
Board of Appeals

DATE: ACCOUNT:

AMOUNT: \$

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

#### RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT, dated and entered into this 31st day of May, 1986, by and among Lex Land, a Maryland partnership, Millard D. Bloom and Trudy Bloom, husband and wife, John E. Sibrea and Viola I. Sibrea, husband and wife, Guy L. Zimmerman and Patricia Zimmerman, husband and wife and Agnes J. Kerr (all hereinafter jointly and severally referred to as "Grantors"), parties of the first part, and the Towson Development Corporation, a Maryland corporation (hereinafter the "Corporation"), party of the second part.

#### RECITALS

1. Grantors are the owners of the several parcels of land located on the east side of Bosley Avenue, south of Allegheny Avenue, north of Pennsylvania Avenue and west of an unnamed alley which runs between and connects Allegheny and Pennsylvania Avenues in Towson, Ninth Election District of Baltimore County, Maryland, as particularly described on Exhibit A attached hereto and incorporated by reference herein (the "Property").

2. Grantors have petitioned or will be petitioning the appropriate officials of Baltimore County to request a zoning reclassification from the existing O-1 zoning to RM-CT zoning for the Property pursuant to Baltimore County Code, Section 2-58.1.

3. The Corporation is a non-profit local development corporation comprised of many community and business leaders in the Towson area,

joined together for the purpose of assisting in the implementation of the 1979 Towson Towncenter Master Plan as adopted by the County Council of Baltimore County.

4. In response to the Grantors' desires to request a change in zoning, the Corporation believes it important to have certain restrictions placed upon the use of the Property to assure that the Grantors' use is not inconsistent with the Towson Towncenter Master Plan.

5. Grantors are willing to place certain restrictions upon the uses of the Property upon certain conditions hereinafter contained.

6. In order to make the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect upon the Property described in Exhibit A and upon the present and future owners and occupants thereof, parties have entered into this Agreement, to the end and to the intent that the parties of the first part, their successors and assigns, will hold, utilize and hereafter convey or foreclose their property subject to the said covenants, restrictions and conditions contained herein.

#### AGREEMENT

Now therefore, in consideration of the mutual agreements, covenants, restrictions and conditions herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents, and agree as follows:

1. Upon the successful final rezoning of the Property to RM-CT pursuant to Baltimore County Code, Section 2-58.1, all possible appeals

having been exhausted, the Grantors for themselves, their successors and assigns and the grantees of all or any portion of the Property, until the first day of January, 2000, agree to use the Property as follows:

#### A. Permitted Uses

(1) That the Property shall be used only as permitted pursuant to Section 233 of the Baltimore County Zoning Regulations, 1981, as amended, except as otherwise provided herein.

(2) That drive-in banks are a use permitted upon the Property provided that the access and circulation pattern for automobiles provides for stacking lanes which do not utilize abutting front or side streets.

(3) That living quarters in a commercial building are a use permitted upon the Property.

(4) That signs are a use permitted upon the Property and each parcel that comprises the Property. It is agreed that as to each street frontage of the Property, namely, Pennsylvania Avenue, Bosley Avenue and Allegheny Avenue, that each such street frontage shall be treated as a separate lot and a separate building for the purpose of signage. It is thus agreed that each of the three frontages shall be considered a separate building and each frontage shall be entitled to such signs as are allowed on a building by Section 204.3.C.3. (I-O Zone) of the Baltimore County Zoning Regulations, as presently existent or as hereafter more liberally amended. The Grantors agree to submit for review and approval their designs for signs to Towson Development Corporation. The Corporation agrees to issue its approval or disapproval of the proposed signs within thirty (30) days of the date of submission. The Corporation agrees that the approval of proposed signs will not be unreasonably withheld.

B. Restrictions on Use - The Property shall not be used for any of the following:

- (1) Drive-in retail sales including automobile sales, dry cleaning pick up, drive in restaurants, gas stations, service garages, or automobile lubrication and oil service stations.
- (2) Outdoor storage or display of products;
- (3) Commercial signs advertising services or products not located upon or offered from the Property;
- (4) Retail sales or service facilities, restaurants or commercial recreation facilities of an area less than 3,000 square feet if (i) such use fronts directly onto Bosley Avenue and (ii) the frontage of such use is within 75 feet of the centerline of the right-of-way of Bosley Avenue.

(5) Uses permitted by special exception under Sec. 230.13 and 233.4 of the Baltimore County Zoning Regulations, except as expressly provided in paragraph 1.A. above, but wireless transmitting and receiving structures shall be specifically permitted either as a matter of right or by special exception as the Zoning Regulations may permit.

2. The Corporation on behalf of itself, its successors and assigns agrees that it will not oppose the parties of the first part in their request to rezone the Property to RM-CT.

3. This Agreement and the obligations of the parties hereunder shall require and be conditioned upon the final rezoning of the Property to RM-CT pursuant to Baltimore County Code Section 2-58.1, all possible appeals having been exhausted, and shall remain and continue in full force and effect for so long as the RM-CT zoning classification remains and continues to be applicable to the Property, or, if the RM-CT zone is

amended, so long as the uses permitted under the successor zoning classifications and substantially the same as those permitted under the RM-CT zone.

Upon satisfaction of the conditions contained in paragraph 3 above, these covenants, restrictions and conditions shall be recorded along the Land Records of Baltimore County, Maryland, and that for the term hereof the same shall run with the binding upon the Property and upon all present and future owners thereof and shall inure to the benefit of each of the parties hereto, respectively, their successors, personal representatives and assigns.

The parties hereto warrant and represent that all necessary action required to be taken by their respective charters, by-laws or other organizational documents to authorize the execution of this Agreement has been taken.

All terms used herein are to be defined and construed pursuant to the definitions and provisions of the Baltimore County Zoning Regulation in existence at the date of this Restrictive Covenant Agreement. This Agreement, which may be signed in counterparts, contains the entire understanding of the parties and each of the parties hereto warrant that it has carefully read and understands this Agreement and is cognizant of the terms hereof and has had ample time to have been fully advised by counsel of its choosing of its respective rights and obligations with respect to all matters involved in this Agreement. The failure to enforce any of the covenants, restrictions and conditions contained herein, in any instance, shall in no event constitute a waiver or estoppel of a right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring

prior or subsequent thereto. In the event of any one or more of the covenants, restrictions and conditions herein contained should be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS:

LEX LAND, a Maryland Partnership

By: *J. Earle Plunkhoff* (SEAL)  
J. Earle Plunkhoff  
General Partner

*Millard D. Bloom* (SEAL)  
Millard D. Bloom

*Trudy Bloom* (SEAL)  
Trudy Bloom

*John E. Sibrea* (SEAL)  
John E. Sibrea

*Viola I. Sibrea* (SEAL)  
Viola I. Sibrea

*Guy L. Zimmerman* (SEAL)  
Guy L. Zimmerman

*Patricia Zimmerman* (SEAL)  
Patricia Zimmerman

*Agnes J. Kerr* (SEAL)  
Agnes J. Kerr

TOWSON DEVELOPMENT CORPORATION

By: *Leslie H. Graef* (SEAL)  
Leslie H. Graef, Executive  
Director

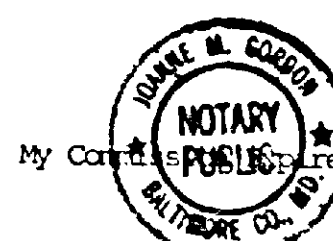
ATTEST:

*Janice M. Gordon*

STATE OF MARYLAND to wit:  
CITY/COUNTY OF BALTIMORE

On this 22 day of May, 1986, before me, the undersigned officer, personally appeared *Leslie H. Graef* who made acknowledgement on behalf of the corporation, who acknowledged himself to be the Executive Director of TOWSON DEVELOPMENT CORPORATION, a corporation, and that he, as such Executive Director, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation *Leslie H. Graef* as Executive Director.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



STATE OF MARYLAND to wit:  
CITY/COUNTY OF HANOVER

ON THIS 20 day of May, 1986, before me, the undersigned officer, personally appeared J. Earle Plunkhoff, who made acknowledgement on behalf of the partnership, who acknowledged himself to a general partner of LEX LAND, a Maryland partnership, and that he as such general partner being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as general partner.



IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on the 31<sup>st</sup> day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared AGNES J. KERR and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: July 1986

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared WILLIAM D. BLOOM and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared TRUDY BLOOM and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND

CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared JOHN E. SIBREA and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND

CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared VIGOR I. SIBREA and made oath

in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared GUY L. ZIMMERMAN and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared PATRICIA ZIMMERMAN and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

NEW-3/29/86

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-7800

OF COUNSEL  
RALPH E. SEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-1121  
RUSSELL J. WHITE

November 1, 1985

Mr. Kenneth D. Dryden, Chairman  
Baltimore County Planning Board  
Baltimore County Planning Board Members  
Office of Planning and Zoning  
County Courts Building  
Towson, Maryland 21204

Re: Reclassification Petition AGNES J. KERR, et al.  
Property Owners: Lux Land, et al.  
Property Location: 205 and 207 Allegheny Avenue  
208 and 210 Pennsylvania Avenue

Dear Chairman Dryden and Board Members:

Please be advised that this office represents the property owners who have filed the above petition for zoning reclassification. My clients own the above four (4) parcels within the Towson Town Center boundary. The property is currently zoned O-1. The petitioners are requesting a change in zoning to B.M.-C.T. The petitioners intend to develop this site with an office use consistent with the Towson Town Center Plan.

Enclosed is a copy of the Memorandum in Support of Change in Zoning which was filed with the original petition. Hopefully, this Memorandum will answer any general questions that you may have regarding this petition. However, should you have any questions or comments, please feel free to contact me at your convenience.

As the current O-1 zoning is inconsistent with the Towson Town Center Plan, as well as the Baltimore County Zoning Regulations, my clients hope that the Planning Board, and ultimately the Board of Appeals, will look favorably upon this request. I will be available during the Planning Board hearings for any additional questions.

Thank you for your kind attention to this matter.

Very truly yours,

G. Scott Barhight

GSB:ylm  
Enclosure  
cc: Mr. Norman E. Gerber  
Mr. Frank H. Fisher  
Mr. James G. Hoswell

Mr. Joseph V. Maranto  
Mr. Nicholas B. Commodari

THIS PETITION INCLUDES A REQUEST TO  
RECLASS PORTIONS OF BASLEY ALLEGHENE  
W/PENN AVE AND A 20' ALLEY, WITH  
THE EXCEPTION OF THE ALLEY, THE  
OWNERSHIP OF WHICH IS QUESTIONABLE.  
STREET ROWS ARE OWNED BY  
BALTO. CO. AND IN MY OPINION  
CANNOT BE PART OF THIS REQUEST  
UNLESS THE COUNTY PARTICIPATES BY  
SIGNING THE PETITION AS A LEAD  
OWNER. I HAVE ACCEPTED THE PETITION  
(FOR PROCESSING)  
SUBJECT TO DISCUSSION WITH BILL HACKETT

OTHER ENCLOSURES WOULD INCLUDE  
A SKETCH & EXPLANATION OF THE ROAD ROWS  
AT END OF THE TEST AMENDING THE BRIEF &  
NOTES ON THE PLAN

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-7800

OF COUNSEL  
RALPH E. SEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-1121  
RUSSELL J. WHITE

Mr. William Hackett, Chairman  
Mr. Leroy Spurrier  
Kieth Franz, Esquire  
Baltimore County Board of  
Appeals  
Courthouse  
Towson, Maryland 21204

Re: Petition for Reclassification  
Agnes Kerr, et al.  
Zoning Case No.: R-86-339

Gentlemen:

The above-captioned case was heard by you on April 1, 1986. You will recall testimony at the hearing relating to the efforts being made by the property owners to negotiate a Restrictive Covenant Agreement with the Towson Development Corporation. I am pleased to advise that the Restrictive Covenant Agreement has been completed and I enclose herewith a photocopy for your file. The Agreement will be offered for recording among the Land Records for Baltimore County on June 3, 1986.

Should the Board have any questions about this matter, please do not hesitate to contact me.

Very truly yours,  
William M. Hesson, Jr.

WHR/ndy

Enclosure

cc: John E. Sibrea, Esquire  
Mrs. Agnes Kerr  
Mr. Les Graef

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 1, 1985

CHIEF OF BUREAU  
1111 N. GUNPOWDER AVE.  
TOWSON, MARYLAND 21204

G. Scott Barhight, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 5, Cycle II  
October, 1985 - April, 1986  
Petitioners - Agnes J. Kerr, et al  
Reclassification and Redistricting  
Petition

Dear Mr. Barhight:

This reclassification and redistricting petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification and redistricting or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

Since the description submitted with this petition includes a parcel of land owned by Baltimore County, as shown on the site plan, there is some question whether a representative from that agency should also sign the petition forms. This should be clarified, and the forms should indicate that your request also includes a redistricting of the subject property.

Item No. 5, Cycle II  
Reclassification and Redistricting Petition  
Page 2  
November 1, 1985

Because the site plan does not indicate a proposed use, the brief should be revised to delete any reference to a proposed use. As a result, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time. If you have any questions concerning these comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:NBC:mr

Enclosures

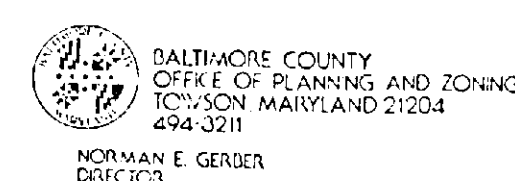
cc: Daft-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204



AGNES J. KERR, ET AL  
#B-86-339  
Item #5, Cycle II, 1985  
E/S BOSLEY AVENUE  
BETWEEN ALLEGHENY AND  
WEST PENNSYLVANIA AVENUE  
9th DISTRICT  
0-1 to B.M. - C.T.  
1.55 acres

Sept. 3, 1985 Petition filed

Scott Barthelemy, Esquire  
204 W. Pennsylvania Ave. (21204)  
Petitioner  
Agnes J. Kerr  
210 W. Pennsylvania Ave. (21204)  
John E. Sibrea and  
Viola I. Sibrea  
208 W. Pennsylvania Ave. (21204)  
Guy L. Zimmerman and  
Patricia Zimmerman  
208 W. Pennsylvania Ave. (21204)  
Millard D. Bloom and  
Trudy Bloom  
208 W. Pennsylvania Ave. (21204)  
Lex Land  
205/207 Allegheny Ave. (21204)  
Phyllis Cole Friedman  
People's Counsel  
Norman E. Gerber  
James G. Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
James Earl Kraft  
Baltimore County Board of Education  
212 Alburgh Road (21204)



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

SEPTEMBER 24, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 17, 1985  
Item # 5 - CYCLE II  
Property Owner: AGNES J. KERR, ET AL  
Location: E/S BOSLEY AVE. BETWEEN ALLEGHENY AND WEST PENNSYLVANIA AVES.

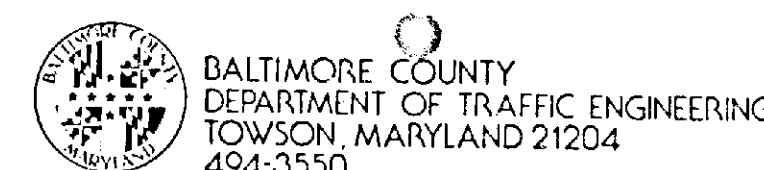
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment, AT THIS TIME.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Code.
- ☒ Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 11/15/84.
- ☒ The property is located in a deficient service area as defined by 811.110-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued by the County Council.
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by 811.110-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ Additional comments: ANY FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL 86-027.

cc: James Hoswell

Lynne A. Rober  
Chief, Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

September 23, 1985

Mr. William Hackett  
Chairman, Board of Appeals  
Office of Law, Courthouse  
Towson, Maryland 21204

Cycle II  
Item No. 5  
Property Owner: Agnes J. Kerr, et al  
Location: E/S Bosley Avenue, between Allegheny and West Pennsylvania Avenue  
Existing Zoning: O-1  
Proposed Zoning: B.M. - C.T.

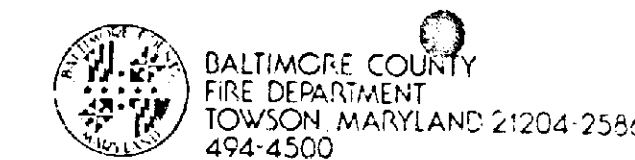
Acres: 1.55  
District: 9th

Dear Mr. Hackett:

The existing O-1 zoning can be expected to generate approximately 370 trips per day. The proposed BM-CT zoning can be expected to generate 775 trips per day.

Michael S. Planigan  
Traffic Engineer Assoc. II

MSF/bld



PAUL H. RENCKE  
CHIEF

September 23, 1985

William Hackett  
Chairman, Board of Appeals  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Agnes J. Kerr, et al

Location: E/S Bosley Avenue, between Allegheny & W. Pa. Ave.

Item No.: 5

Zoning Agenda: Meeting of 9/17/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]  
Planning Group: Fire Prevention Bureau  
Special Inspection Division

/mb

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

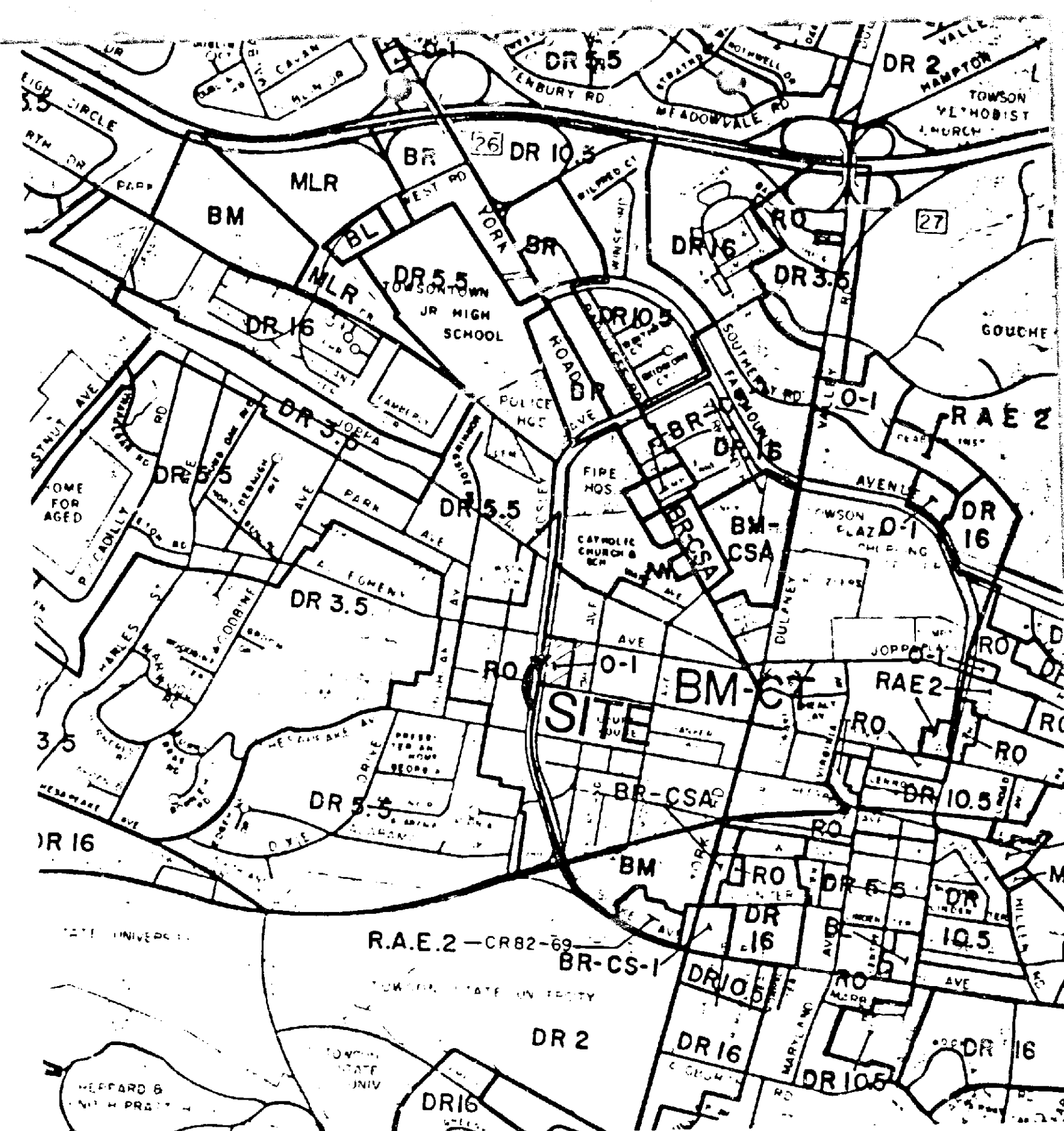
Mr. William Hackett, Chairman, Board of Appeals  
To: Mr. James Dyer, Zoning Supervisor Date: September 24, 1985  
FROM: Charles E. Burnham, Chief, Building Plans Review, Department of Permits and Licenses C.E.B.  
SUBJECT: Cycle II Zoning Meeting Scheduled 9/17/85

ITEM #5 - Agnes J. Kerr, et al  
E/S Bosley Avenue, between Allegheny and West Pennsylvania Avenues  
9th. Election District

The current Building Code as amended and adopted by Council Bill #17-85 is the 1984 Edition of the B.O.C.A. Basic National Building, Mechanical and Energy Codes. Any new construction, alterations, additions, change of use or occupancies shall comply with that Code as long as it remains in force.

Permits for proposed construction, change of occupancy, etc., etc., shall be required prior to any construction work.

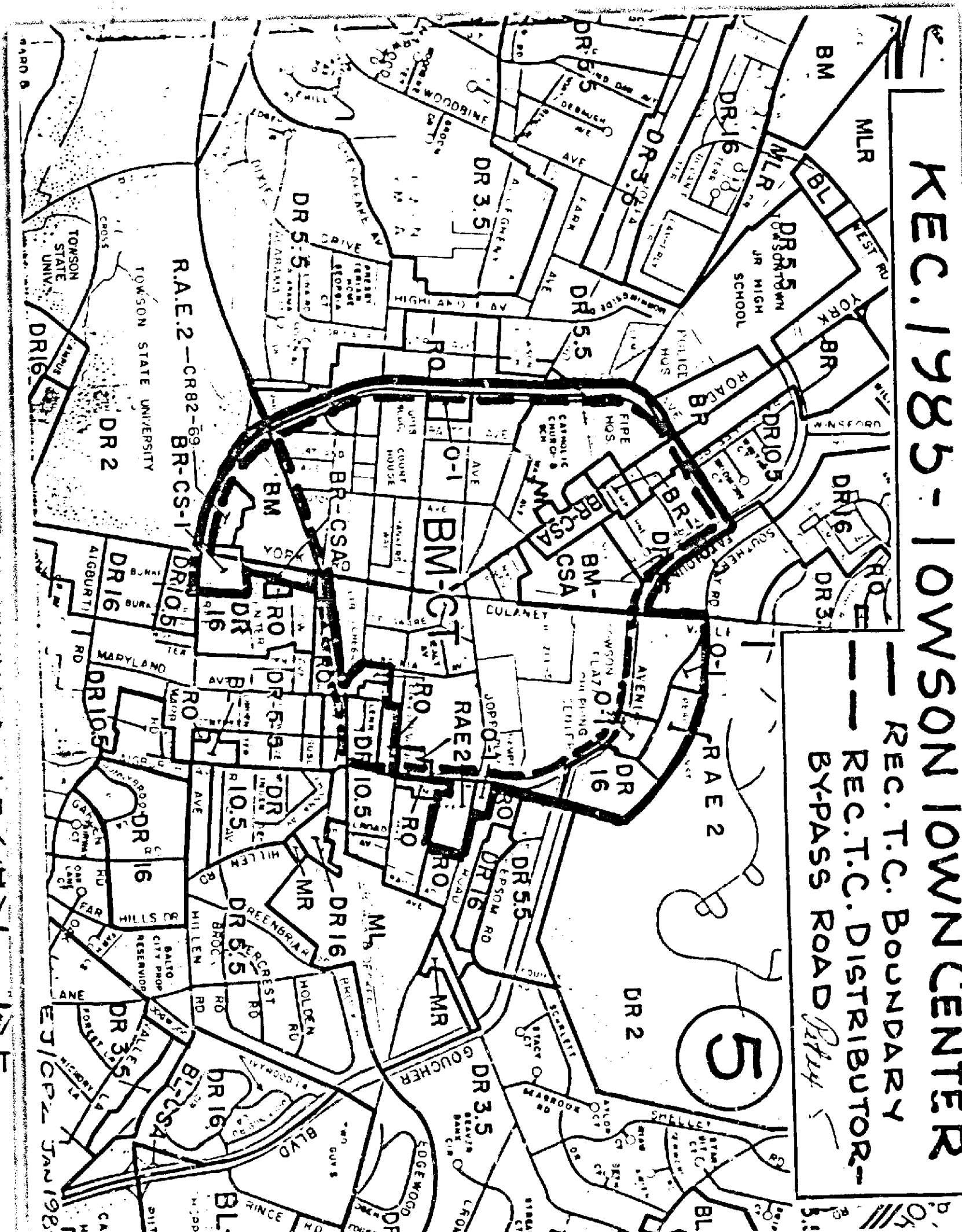
CER/vw



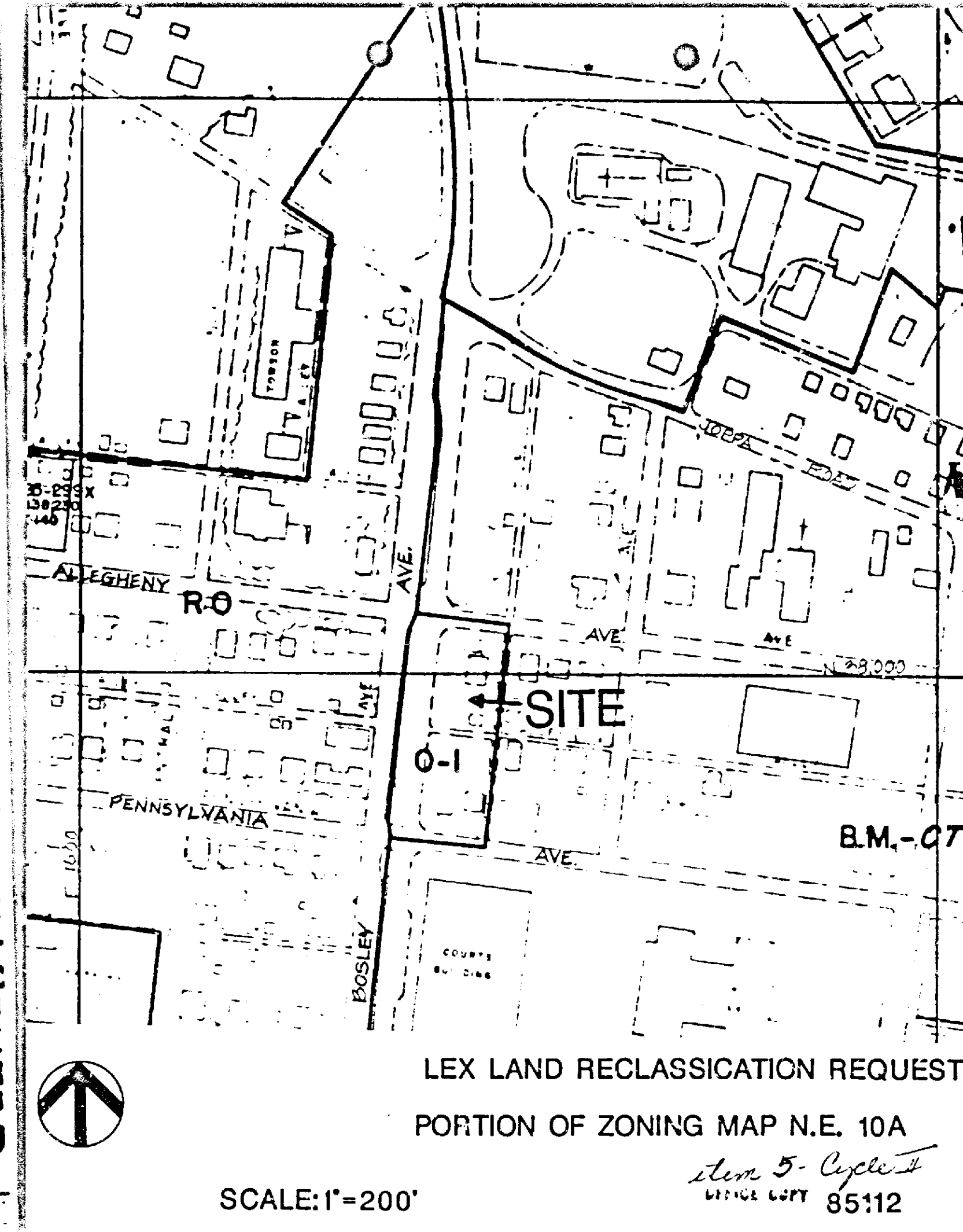
LEX LAND RECLASSIFICATION REQUEST  
PORTION OF ZONING MAP 3-C

SCALE: 1"=1,000'

Item 5 - Cycle II  
OFFICE COPY 85112



REC. 1985-10 WILSON TOWN CENTER  
REC. T.C. BOUNDARY  
BYPASS ROAD



LEX LAND RECLASSIFICATION REQUEST  
PORTION OF ZONING MAP N.E. 10A

SCALE: 1"=200'

Item 5 - Cycle II  
OFFICE COPY 85112







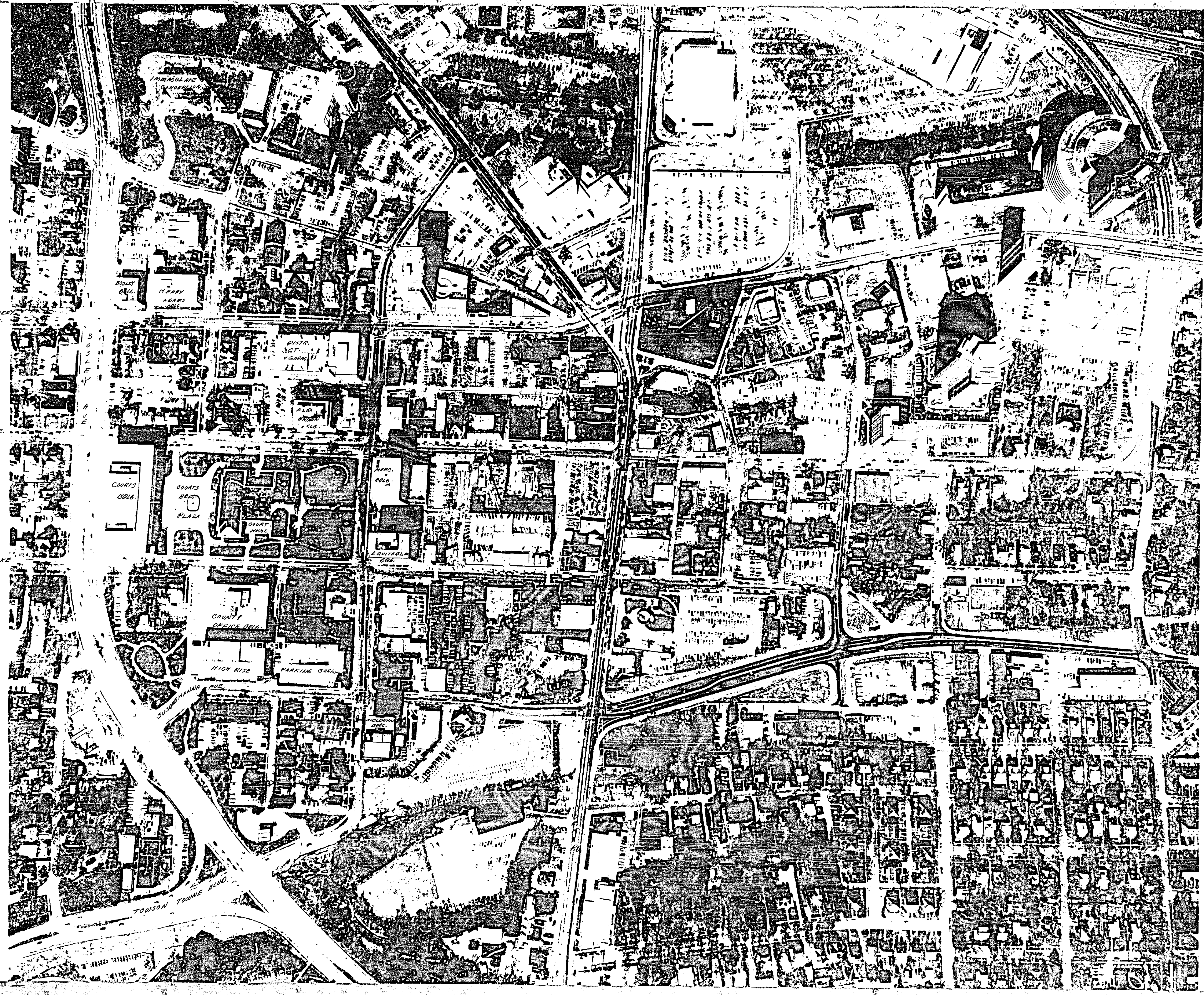
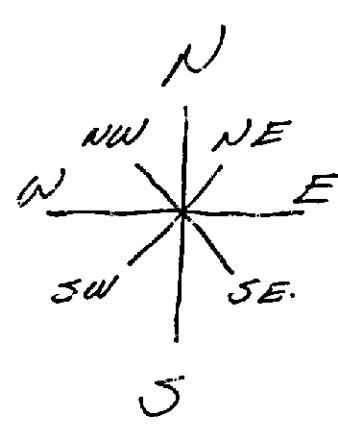
Plate 3

VOCAL RD.

ALLEGHENY AVE.

PENN. AVE.

CAESAREAN AVE.





PETITION FOR ZONING RE-CLASSIFICATION  
SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an O-1 (Office Building) zone to an B.M.-C.T. (Business, Major, Commercial) zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the Commercial, said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, Town-center core for ... Not applicable.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County: Not applicable

NOTE: See attached Memorandum in support.

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):  
Contract Purchaser:  
Lex Land, 205 and 207 Allegheny Avenue,  
(Type or Print Name)

Signature: J. Earle Plunkhoff

Signature: J. Earle Plunkhoff

Signature: J. Earle Plunkhoff

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Signature: J. Earle Plunkhoff

Signature: J. Earle Plunkhoff

MEMORANDUM IN SUPPORT OF CHANGE IN ZONING

Property Owners: Lex Land, et. al ACREAGE: Approximately 1.55

Location: E/S Bosley Avenue, S/S Allegheny Avenue,  
N/S Pennsylvania Avenue, W/S unnamed alley

Election District: 9

Councilmanic District: 4

Zoning Prior To Adoption Of 1984 Comprehensive Zoning Map: R-0

Existing Zoning: O-1 (within Towson Town Center boundary)

Requested Zoning: B.M.- C.T.

This property consists of four parcels owned by the Petitioners totalling approximately .66 acres, and areas owned by Baltimore County. The entire O-1 zoned area contains approximately 1.55 acres.

Three separate buildings are located on the property. Each of these older structures, which have been converted from single-family dwellings to law and business offices, offer limited space for office uses and are in need of repair.

To the west is Bosley Avenue. On the opposite side of Bosley Avenue stands several three-story apartment buildings and a church, on R-0 zoned property. To the north is the Bosley Building, a five story multi-use office building, which obtained B.M.-C.T. zoning during the 1984 Comprehensive Zoning Map process. The Bosley Building site was previously zoned R-0. To the west, across the unnamed alley, are five office buildings which have been converted from single-family dwellings and one residence. All of the property to the east enjoys B.M.-C.T.

zoning. To the south is the County Courts Building, which is also zoned B.M.-C.T.

Prior to the adoption of the 1984 Comprehensive Zoning Map, all of the property east of Bosley Avenue, north of Pennsylvania Avenue to Joppa Road, and west of the unnamed alley was zoned R-0. The Office of Planning and Zoning created Issue No. 4-44 requesting O-1 zoning for the entire area. H. Stephen Dance and Allegheny '76 Limited Partnership created Issue No. 4-94 and requested B.M.-C.T. zoning for that portion of Issue No. 4-44 north of Allegheny Avenue.

The Planning Board recommended O-1 zoning for all the properties in Issue Nos. 4-44 and 4-94. Restrictive Covenants were entered into for the property north of Allegheny Avenue with Towson Development Corporation and the property owners for the purpose of avoiding commercial exploitation of the Loop Road System. The County Council granted B.M.-C.T. zoning to those properties north of Allegheny Avenue.

The property owners south of Allegheny Avenue did not actively participate in Issue No. 4-44 or 4-94. At that time, one of the parcels was tied up in the administration of an Estate. The County Council adopted O-1 zoning for the parcels south of Allegheny Avenue which are the subject of this Petition.

The O-1 zoning classification of this property is inconsistent with the Towson Town Center Plan, which is part of the Baltimore County Master Plan 1979-1990. The Towson Plan specifically calls for B.M.-C.T. zoning for all of these areas inside (east) of the Loop Road System.

The areas within a two and at most three block radius surrounding the court buildings, within the Loop Road System, are considered the primary office location and central core of Towson.

Section 204.2.D of the Baltimore County Zoning Regulations states as follows:

"It is intended that property not be classified as O-1 unless it is a minimum of approximately 2 acres." The total acreage presently zoned O-1 is approximately 1.55 acres. The area under private ownership is even much less, being approximately one acre. The present O-1 zoning classification is inconsistent with the requirements of the Baltimore County Zoning Regulations.

The O-1 zoning classification does not permit reasonable office development of these parcels. The floor area ratio in O-1, (0.55), is much smaller than that permitted in B.M.-C.T., (5.5). Such a limitation inhibits the development of the site and is contrary to the Towson Plan.

The Capital Budget and 5-Year Capital Program indicates expenditures of approximately \$20 million for the Greater Towson area for numerous uses. These monies will be spent on modernizing and upgrading the County Courts Building and Governmental Complex, the Police Headquarters, the Towson road signal system, Towson High School, the Towson Branch Library, the Towson Senior Center and for several other important items. Over \$6 million has been appropriated to provide numerous streetscape and urban design plans, roadway construction and alterations, utility relocation, pedestrian and transit amenities and additional parking sites and facilities in the Towson Town Center. Providing for additional office construction in the core area will help provide a tax base to support these expenditures and assist development in accordance with the Master Plan.

The property owners intend to consolidate their marketing efforts and plan a first class office building for the entire site. Restrictive

County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 491-3180

June 11, 1986

Newton Williams, Esq.  
204 W. Pennsylvania Ave.  
Towson, Md. 21204

Dear Mr. Williams:

Enclosed herewith please find copy of Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.

cc: Agnes J. Kerr  
John and Viola Sibrea  
Guy and Patricia Zimmerman  
Millard and Trudy Bloom  
Lex Land  
James E. Kraft  
Phyllis C. Friedman  
Norman E. Gerber  
James Hoswell  
Arnold Jatlou  
Jean M.H. Jung  
James E. Dyer

IN THE MATTER OF  
AGNES J. KERR, ET AL  
FOR ZONING RECLASSIFICATION  
ON PROPERTY LOCATED ON THE EAST  
SIDE OF BOSLEY AVENUE, BETWEEN  
ALLEGHENY AND WEST PENNSYLVANIA  
AVENUES - 9th DISTRICT

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. R-86-339

OPINION

This case comes before this Board on petition for a zoning reclassification from O-1 to B.M.-C.T. The parcel under petition consists of four sub-parcels owned by petitioners, all of whom are identified on the petition itself.

William Hesson, Esq., first testified, his firm being known as Lex Land, owners of 205 and 207 Allegheny Avenue. He testified on behalf of all the property owners. He described the existing structures on the site and the surrounding area. He noted that the O-1 zoning afforded this site was the only remaining O-1 zoning inside the so called ring road which defines the Towson Center boundary. He also testified that the acreage contained in this parcel was 1.55 acres if the property lines are considered to be the street center lines but that only .66 acres could actually be deemed useable area. He testified that their desire was to raze the existing structures and build a modern office building on this site as large as would be permitted under the proposed B.M.-C.T. classification. Under the O-1 classification, a floor area ratio for office use is only .5 while the B.M.-C.T. classification is 5.5. On a site this small, the .5 floor area ratio would not, for all practical purposes, justify the proposed office building. He also pointed out that B.M.-C.T. zoning would provide consistency with all surrounding properties and would conform to the Towson Center Plan. He also testified that covenants were being prepared to be entered among the Land Records of Baltimore County that would protect the area against undesirable uses associated with the proposed office building.

Agnes J. Kerr, et al  
Case No. R-86-339

George E. Gavrellis, Planner, next testified for the petitioners. He noted that by Baltimore County Regulations, the O-1 zone requires a minimum of two (2) acres, whereas this parcel contains only 1.55 total acreage. He testified that originally this area encompassed more than the two acre minimum, but that on the 1984 Comprehensive Map, one acre plus, adjoining this parcel, was rezoned to B.M.-C.T. leaving only 1.55 acres in O-1. He also testified that this 1.55 acres was virtually completely paved at present. He also testified that all utilities with sufficient capacity are available to this site. He testified at length on the Towson Plan, adopted by the Council in January, 1981, which clearly shows this entire area to be zoned B.M.-C.T. and stated that there was no reason to retain this O-1 classification which is an obvious error.

Leslie Graef, 29 W. Pennsylvania Avenue, next testified. He stated he represented Towson Development Corp. which is a sort of "watch dog" over development in the Towson area. He testified there was no objection to office use on this site, but any "drive-in" use would be inappropriate. He was actively participating with the petitioners to finalize the proposed covenants, the only one of which remained to be agreed upon was agreement on the signs associated with the office use.

James Hoswell, Planner for Baltimore County, was the final witness to testify. He testified that he had reviewed this petition and that in his opinion the O-1 zoning was indeed in error. He noted that it is too small in size to conform and that O-1 is not consistent with the Towson Plan. This concluded testimony in this case.

After consideration of all the testimony and evidence presented this day, this Board is persuaded that the O-1 zoning is in fact in error.



Agnes J. Kerr, et al  
Case No. R-86-339

The O-1 zoning is not only totally inconsistent with the Towson Plan, but it is obviously too small. When the B.M.-C.T. zoning was granted, the parcel to the north on the 1984 Comprehensive Map should surely have been included, whether it was an issue or not. The Board also notes all the testimony concerning the proposed covenants to protect the proposed office use from any undesirable element. It is the opinion of this Board that the O-1 zoning on this site is in error and will so Order.

#### ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of June, 1986, by the County Board of Appeals, ORDERED that the requested change from O-1 zoning to B.M.-C.T. zoning as described in the petition for same, be and the same is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

LeRoy B. Spurrer  
LeRoy B. Spurrer

DAFT-MCQUINE-WALKER

200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: 301-296-3333  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

#### Description

For the Purpose of Zoning Reclassification; 1.55 Acre Parcel, North Side of Pennsylvania Avenue, East Side of Bosley Avenue, South Side of Allegheny Avenue, Ninth Election District, Baltimore County, Maryland.

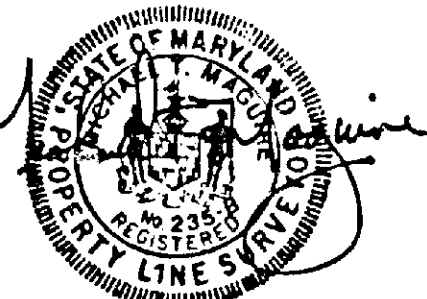
Beginning for the same in Bosley Avenue and in the center line of Allegheny Avenue, eighty feet wide, at its intersection with the line between the area zoned "R0" and the area zoned "O-1", as shown on the 1984 Comprehensive Zoning Map of Baltimore County, running thence binding on the center line of said Allegheny Avenue, (1) South 83 degrees 30 minutes 40 seconds East 162.45 feet, more or less, thence to and along the center line of the twenty foot alley there situate, (2) southerly 390.00 feet to a point on the center line of West Pennsylvania Avenue, sixty feet wide, thence binding on the center line of said Pennsylvania Avenue, (3) North 83 degrees 30 minutes 40 seconds West 163.47 feet, more or less, to a point in Bosley Avenue and on the zoning line herein referred to, and thence binding on said zoning line three courses: (4) North 13 degrees 57 minutes 31 seconds West 28.57 feet, (5) North 06 degrees 31 minutes 46 seconds East 327.15 feet, and (6) North 24 degrees 55 minutes 20 seconds East 38.03 feet to the place of beginning.

Containing 1.55 acres of land, more or less.

Our Job Number: 85112 (OD: L85112)

August 22, 1985

Page 1 of 1



Jim S. Cople II  
VICE COPY

#### PETITION FOR RECLASSIFICATION

LOCATION: East Side of Bosley Avenue, between Allegheny and West Pennsylvania Avenues

PUBLIC HEARING: Tuesday, April 1, 1986, at 10:00 a.m.  
Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter, will hold a public hearing:  
To reclassify the zoning status of property from an O-1 Zone to a RM-CT Zone

All that parcel of land in the 9th Election District of Baltimore County

Beginning for the same in Bosley Avenue and in the center line of Allegheny Avenue, eighty feet wide, at its intersection with the line between the area zoned "R0" and the area zoned "O-1", as shown on the 1984 Comprehensive Zoning Map of Baltimore County, running thence binding on the center line of said Allegheny Avenue, (1) South 83 degrees 30 minutes 40 seconds East 162.45 feet, more or less, thence to and along the center line of the twenty foot alley there situate, (2) southerly 390.00 feet to a point on the center line of West Pennsylvania Avenue, sixty feet wide, thence binding on the center line of said Pennsylvania Avenue, (3) North 83 degrees 30 minutes 40 seconds West 163.47 feet, more or less, to a point in Bosley Avenue and on the zoning line herein referred to, and thence binding on said zoning line three courses: (4) North 13 degrees 57 minutes 31 seconds West 28.57 feet, (5) North 06 degrees 31 minutes 46 seconds East 327.15 feet, and (6) North 24 degrees 55 minutes 20 seconds East 38.03 feet to the place of beginning.

Containing 1.55 acres of land, more or less.

Being the property of Agnes J. Kerr, et al, as shown on the plat plan filed with the Zoning Department.

BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS  
FROM O-1 TO B-M-CT ZONE  
E/S Bosley Ave., between : OF BALTIMORE COUNTY  
Allegheny & W. Pennsylvania Ave.  
Ninth Election District :  
AGNES J. KERR, et al., : Case No. R-86-339  
Petitioners

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204

I HEREBY CERTIFY that on this 7th day of February, 1986, a copy of the foregoing Entry of Appearance was mailed to Nolan, Plunhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Counsel for Petitioners.

Peter Max Zimmerman  
Peter Max Zimmerman

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3333

ARNOLD JABLON  
ZONING COMMISSIONER

March 19, 1986

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

G. Scott Darlight, Esquire  
234 West Pennsylvania Avenue  
Towson, Maryland 21204  
RE: PETITION FOR ZONING RECLASSIFICATION  
E/S Bosley Ave., between Allegheny and W. Pennsylvania Avenues  
9th Election District  
AGNES J. KERR, et al - Petitioners  
Case No. R-86-339 (Cyle II - Item No. 5)

Dear Mr. Darlight:

This is to advise you that \$420.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, and remit to Ms. Margaret E. du Bois, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
Arnold Jablon  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 018547

DATE: 3/19/86 ACCOUNT: 1986-339  
AMOUNT: \$420.25  
RECEIVED FROM: Peter Max Zimmerman  
FOR: Baltimore County  
VALIDATION OR SIGNATURE OF CASHIER

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., March 13, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 13, 1986.

THE JEFFERSONIAN,

JB Kentz  
Publisher

Cost of Advertising

33.00

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 9th  
Posted for: Reclassification  
Publisher: Agnes J. Kerr, et al  
Location of property: E/S Bosley Ave., between Allegheny and West Pennsylvania Avenues  
Location of Sign: 234 W. Pennsylvania Ave., Room 223, Court House, Towson, MD 21204  
Remarks: Copy in front of 234 W. Pennsylvania Ave.  
Posted by: J. D. Booth  
Date of return: 3-14-86  
Number of Signs: 16

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 12, 1986.

TOWSON TIMES,

JB Kentz  
Publisher

55.25

PETITION FOR RECLASSIFICATION  
LOCATION: East Side of Bosley Avenue, between Allegheny and West Pennsylvania Avenues  
PUBLIC HEARING: Tuesday, April 1, 1986, at 10:00 a.m.  
Room 218, Courthouse, Towson, Maryland  
The County Board of Appeals for Baltimore County by authority of the Baltimore County Charter will hold a public hearing:  
To reclassify the zoning status of property from an O-1 Zone to a RM-CT Zone  
All that parcel of land in the 9th Election District of Baltimore County  
Beginning for the same in Bosley Avenue and in the center line of Allegheny Avenue, eighty feet wide, at its intersection with the line between the area zoned "R0" and the area zoned "O-1", as shown on the 1984 Comprehensive Zoning Map of Baltimore County, running thence binding on the center line of said Allegheny Avenue, (1) South 83 degrees 30 minutes 40 seconds East 162.45 feet, more or less, thence to and along the center line of the twenty foot alley there situate, (2) southerly 390.00 feet to a point on the center line of West Pennsylvania Avenue, sixty feet wide, thence binding on the center line of said Pennsylvania Avenue, (3) North 83 degrees 30 minutes 40 seconds West 163.47 feet, more or less, to a point in Bosley Avenue and on the zoning line herein referred to, and thence binding on said zoning line three courses: (4) North 13 degrees 57 minutes 31 seconds West 28.57 feet, (5) North 06 degrees 31 minutes 46 seconds East 327.15 feet, and (6) North 24 degrees 55 minutes 20 seconds East 38.03 feet to the place of beginning.  
Containing 1.55 acres of land, more or less.  
Being the property of Agnes J. Kerr, et al, as shown on the plat plan filed with the Zoning Department.  
BY ORDER OF  
WILLIAM T. HACKETT, CHAIRMAN  
COUNTY BOARD OF APPEALS  
BALTIMORE COUNTY



G. Scott Barhight, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

February 28, 1986

Ms. Agnes J. Kerr  
210 Pennsylvania Avenue  
Towson, Maryland 21204  
Mr. John E. Sibrea  
Mrs. Viola I. Sibrea  
208 Pennsylvania Avenue  
Towson, Maryland 21204

Mr. Guy L. Zimmerman  
Mrs. Patricia Zimmerman  
208 Pennsylvania Avenue  
Towson, Maryland 21204

NOTICE OF HEARING

RE: PETITION FOR ZONING RECLASSIFICATION  
East Side of Bosley Avenue, between Allegheny and  
West Pennsylvania Avenues  
9th Election District  
Agnes J. Kerr, et al - Petitioners  
Case No. R-86-339 (Cycle II - Item No. 5)

TIME: 10:00 a.m.

DATE: Tuesday, April 1, 1986

PLACE: Room 218, Courthouse, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCIAL REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 012623

W. T. Hackett  
Hackett, Chairman  
Board of Appeals

DATE: ACCOUNT:

AMOUNT: \$

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT, dated and entered into this 31st day of May, 1986, by and among Lex Land, a Maryland partnership, Millard D. Bloom and Trudy Bloom, husband and wife, John E. Sibrea and Viola I. Sibrea, husband and wife, Guy L. Zimmerman and Patricia Zimmerman, husband and wife and Agnes J. Kerr (all hereinafter jointly and severally referred to as "Grantors"), parties of the first part, and the Towson Development Corporation, a Maryland corporation (hereinafter the "Corporation"), party of the second part.

RECITALS

1. Grantors are the owners of the several parcels of land located on the east side of Bosley Avenue, south of Allegheny Avenue, north of Pennsylvania Avenue and west of an unnamed alley which runs between and connects Allegheny and Pennsylvania Avenues in Towson, Ninth Election District of Baltimore County, Maryland, as particularly described on Exhibit A attached hereto and incorporated by reference herein (the "Property").

2. Grantors have petitioned or will be petitioning the appropriate officials of Baltimore County to request a zoning reclassification from the existing O-1 zoning to RM-CT zoning for the Property pursuant to Baltimore County Code, Section 2-58.1.

3. The Corporation is a non-profit local development corporation comprised of many community and business leaders in the Towson area,

joined together for the purpose of assisting in the implementation of the 1979 Towson Towncenter Master Plan as adopted by the County Council of Baltimore County.

4. In response to the Grantors' desires to request a change in zoning, the Corporation believes it important to have certain restrictions placed upon the use of the Property to assure that the Grantors' use is not inconsistent with the Towson Towncenter Master Plan.

5. Grantors are willing to place certain restrictions upon the uses of the Property upon certain conditions hereinafter contained.

6. In order to make the covenants, restrictions and conditions contained in this Agreement binding and in full force and effect upon the Property described in Exhibit A and upon the present and future owners and occupants thereof, parties have entered into this Agreement, to the end and to the intent that the parties of the first part, their successors and assigns, will hold, utilize and hereafter convey or foreclose their property subject to the said covenants, restrictions and conditions contained herein.

AGREEMENT

Now therefore, in consideration of the mutual agreements, covenants, restrictions and conditions herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the parties hereby agree to enter into these presents, and agree as follows:

1. Upon the successful final rezoning of the Property to RM-CT pursuant to Baltimore County Code, Section 2-58.1, all possible appeals

having been exhausted, the Grantors for themselves, their successors and assigns and the grantees of all or any portion of the Property, until the first day of January, 2000, agree to use the Property as follows:

A. Permitted Uses

(1) That the Property shall be used only as permitted pursuant to Section 233 of the Baltimore County Zoning Regulations, 1981, as amended, except as otherwise provided herein.

(2) That drive-in banks are a use permitted upon the Property provided that the access and circulation pattern for automobiles provides for stacking lanes which do not utilize abutting front or side streets.

(3) That living quarters in a commercial building are a use permitted upon the Property.

(4) That signs are a use permitted upon the Property and each parcel that comprises the Property. It is agreed that as to each street frontage of the Property, namely, Pennsylvania Avenue, Bosley Avenue and Allegheny Avenue, that each such street frontage shall be treated as a separate lot and a separate building for the purpose of signage. It is thus agreed that each of the three frontages shall be considered a separate building and each frontage shall be entitled to such signs as are allowed on a building by Section 204.3.C.3. (I-O Zone) of the Baltimore County Zoning Regulations, as presently existent or as hereafter more liberally amended. The Grantors agree to submit for review and approval their designs for signs to Towson Development Corporation. The Corporation agrees to issue its approval or disapproval of the proposed signs within thirty (30) days of the date of submission. The Corporation agrees that the approval of proposed signs will not be unreasonably withheld.

B. Restrictions on Use - The Property shall not be used for any of the following:

- (1) Drive-in retail sales including automobile sales, dry cleaning pick up, drive in restaurants, gas stations, service garages, or automobile lubrication and oil service stations.
- (2) Outdoor storage or display of products;
- (3) Commercial signs advertising services or products not located upon or offered from the Property;
- (4) Retail sales or service facilities, restaurants or commercial recreation facilities of an area less than 3,000 square feet if (i) such use fronts directly onto Bosley Avenue and (ii) the frontage of such use is within 75 feet of the centerline of the right-of-way of Bosley Avenue.

(5) Uses permitted by special exception under Sec. 230.13 and 233.4 of the Baltimore County Zoning Regulations, except as expressly provided in paragraph 1.A. above, but wireless transmitting and receiving structures shall be specifically permitted either as a matter of right or by special exception as the Zoning Regulations may permit.

2. The Corporation on behalf of itself, its successors and assigns agrees that it will not oppose the parties of the first part in their request to rezone the Property to RM-CT.

3. This Agreement and the obligations of the parties hereunder shall require and be conditioned upon the final rezoning of the Property to RM-CT pursuant to Baltimore County Code Section 2-58.1, all possible appeals having been exhausted, and shall remain and continue in full force and effect for so long as the RM-CT zoning classification remains and continues to be applicable to the Property, or, if the RM-CT zone is

amended, so long as the uses permitted under the successor zoning classifications and substantially the same as those permitted under the RM-CT zone.

Upon satisfaction of the conditions contained in paragraph 3 above, these covenants, restrictions and conditions shall be recorded along the Land Records of Baltimore County, Maryland, and that for the term hereof the same shall run with the binding upon the Property and upon all present and future owners thereof and shall inure to the benefit of each of the parties hereto, respectively, their successors, personal representatives and assigns.

The parties hereto warrant and represent that all necessary action required to be taken by their respective charters, by-laws or other organizational documents to authorize the execution of this Agreement has been taken.

All terms used herein are to be defined and construed pursuant to the definitions and provisions of the Baltimore County Zoning Regulation in existence at the date of this Restrictive Covenant Agreement. This Agreement, which may be signed in counterparts, contains the entire understanding of the parties and each of the parties hereto warrant that it has carefully read and understands this Agreement and is cognizant of the terms hereof and has had ample time to have been fully advised by counsel of its choosing of its respective rights and obligations with respect to all matters involved in this Agreement. The failure to enforce any of the covenants, restrictions and conditions contained herein, in any instance, shall in no event constitute a waiver or estoppel of a right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring

prior or subsequent thereto. In the event of any one or more of the covenants, restrictions and conditions herein contained should be declared invalid, the remaining covenants, restrictions and conditions shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS:

LEX LAND, a Maryland Partnership

By: J. Earle Plumbhoff (SEAL)  
J. Earle Plumbhoff  
General Partner

Millard D. Bloom (SEAL)  
Millard D. Bloom

Trudy Bloom (SEAL)  
Trudy Bloom

John E. Sibrea (SEAL)  
John E. Sibrea

Viola I. Sibrea (SEAL)  
Viola I. Sibrea

Guy L. Zimmerman (SEAL)  
Guy L. Zimmerman

Patricia Zimmerman (SEAL)  
Patricia Zimmerman

Agnes J. Kerr (SEAL)  
Agnes J. Kerr

TOWSON DEVELOPMENT CORPORATION

By: Leslie H. Graef (SEAL)  
Leslie H. Graef, Executive  
Director

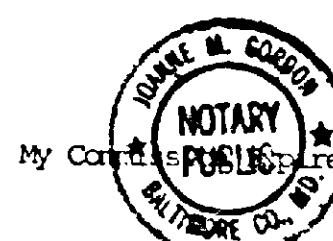
ATTEST:

Jeanne M. Horden

STATE OF MARYLAND to wit:  
CITY/COUNTY OF BALTIMORE

On this 22 day of May, 1986, before me, the undersigned officer, personally appeared Leslie H. Graef who made acknowledgement on behalf of the corporation, who acknowledged himself to be the Executive Director of TOWSON DEVELOPMENT CORPORATION, a corporation, and that he, as such Executive Director, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation Leslie H. Graef as Executive Director.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



STATE OF MARYLAND to wit:  
CITY/COUNTY OF HANOVER

ON THIS 20 day of May, 1986, before me, the undersigned officer, personally appeared J. Earle Plumbhoff, who made acknowledgement on behalf of the partnership, who acknowledged himself to a general partner of LEX LAND, a Maryland partnership, and that he as such general partner being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the partnership by himself as general partner.



IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on the 31<sup>st</sup> day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared AGNES J. KERR and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: July 1986

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared WILLIAM D. BLOOM and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared TRUDY BLOOM and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of May, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared JOHN E. SIBREA and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared VIGOR I. SIBREA and made oath

in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared GUY L. ZIMMERMAN and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on the 27 day of August, 1986, before me, the subscriber, a notary public of the State of Maryland, in and for the County/City aforesaid, personally appeared PATRICIA ZIMMERMAN and made oath in due form of law that the Restrictive Covenant Agreement was executed for the purposes therein contained.

My Commission Expires: 7-1-86

My Commission Expires: 7-1-86

NEW-3/29/86

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-7800

OF COUNSEL  
RALPH E. SEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-1121  
RUSSELL J. WHITE

November 1, 1985

Mr. Kenneth D. Dryden, Chairman  
Baltimore County Planning Board  
Baltimore County Planning Board Members  
Office of Planning and Zoning  
County Courts Building  
Towson, Maryland 21204

Re: Reclassification Petition AGNES J. KERR, et al.  
Property Owners: Lux Land, et al.  
Property Location: 205 and 207 Allegheny Avenue  
208 and 210 Pennsylvania Avenue

Dear Chairman Dryden and Board Members:

Please be advised that this office represents the property owners who have filed the above petition for zoning reclassification. My clients own the above four (4) parcels within the Towson Town Center boundary. The property is currently zoned O-1. The petitioners are requesting a change in zoning to B.M.-C.T. The petitioners intend to develop this site with an office use consistent with the Towson Town Center Plan.

Enclosed is a copy of the Memorandum in Support of Change in Zoning which was filed with the original petition. Hopefully, this Memorandum will answer any general questions that you may have regarding this petition. However, should you have any questions or comments, please feel free to contact me at your convenience.

As the current O-1 zoning is inconsistent with the Towson Town Center Plan, as well as the Baltimore County Zoning Regulations, my clients hope that the Planning Board, and ultimately the Board of Appeals, will look favorably upon this request. I will be available during the Planning Board hearings for any additional questions.

Thank you for your kind attention to this matter.

Very truly yours,

G. Scott Barhight

GSB:ylm  
Enclosure  
cc: Mr. Norman E. Gerber  
Mr. Frank H. Fisher  
Mr. James G. Hoswell

Mr. Joseph V. Maranto  
Mr. Nicholas B. Commodari

THIS PETITION INCLUDES A REQUEST TO  
RECLASS PORTIONS OF BASLEY ALLEGHENE  
W/PENN AVE AND A 20' ALLEY, WITH  
THE EXCEPTION OF THE ALLEY, THE  
OWNERSHIP OF WHICH IS QUESTIONABLE.  
STREET ROWS ARE OWNED BY  
BALTO. CO. AND IN MY OPINION  
CANNOT BE PART OF THIS REQUEST  
UNLESS THE COUNTY PARTICIPATES BY  
SIGNING THE PETITION AS A LEAD  
OWNER. I HAVE ACCEPTED THE PETITION  
(FOR PROCESSING)  
SUBJECT TO DISCUSSION WITH BILL HACKETT

OTHER ENCLOSURES WOULD INCLUDE  
A SKETCH & EXPLANATION OF THE ROAD ROWS  
AND  
AT END OF THE TEST AMENDING THE BRIEF &  
NOTES ON THE PLAN

LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-7800

OF COUNSEL  
RALPH E. SEITZ  
9026 LIBERTY ROAD  
RANDALLSTOWN, MARYLAND 21133  
(301) 822-1121  
RUSSELL J. WHITE

\*ALSO ADMITTED IN D.C.

Mr. William Hackett, Chairman  
Mr. Leroy Spurrier  
Kieth Franz, Esquire  
Baltimore County Board of  
Appeals  
Courthouse  
Towson, Maryland 21204

Re: Petition for Reclassification  
Agnes Kerr, et al.  
Zoning Case No.: R-86-339

Gentlemen:

The above-captioned case was heard by you on April 1, 1986. You will recall testimony at the hearing relating to the efforts being made by the property owners to negotiate a Restrictive Covenant Agreement with the Towson Development Corporation. I am pleased to advise that the Restrictive Covenant Agreement has been completed and I enclose herewith a photocopy for your file. The Agreement will be offered for recording among the Land Records for Baltimore County on June 3, 1986.

Should the Board have any questions about this matter, please do not hesitate to contact me.

Very truly yours,

William M. Hesson, Jr.

WHR/ndy

Enclosure

cc: John E. Sibrea, Esquire  
Mrs. Agnes Kerr  
Mr. Les Graef

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 1, 1985

CHIEF OFFICE BLDG.  
115 W. GUNPOWDER AVE.  
TOWSON, MARYLAND 21204

G. Scott Barhight, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No. 5, Cycle II  
October, 1985 - April, 1986  
Petitioners - Agnes J. Kerr, et al  
Reclassification and Redistricting  
Petition

Dear Mr. Barhight:

This reclassification and redistricting petition has been timely filed with the Board of Appeals for a public hearing within the second zoning cycle since the adoption of the current zoning maps. The petition has been reviewed by the Zoning Office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to conflicts or problems that could arise from the requested reclassification and redistricting or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 27, 1985. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

Since the description submitted with this petition includes a parcel of land owned by Baltimore County, as shown on the site plan, there is some question whether a representative from that agency should also sign the petition forms. This should be clarified, and the forms should indicate that your request also includes a redistricting of the subject property.

Item No. 5, Cycle II  
Reclassification and Redistricting Petition  
Page 2  
November 1, 1985

Because the site plan does not indicate a proposed use, the brief should be revised to delete any reference to a proposed use. As a result, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time. If you have any questions concerning these comments, please feel free to contact me at 494-3391. Notice of the specific hearing date, which will be between March and June of 1986, will be forwarded to you in the future.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:NBC:mr

Enclosures

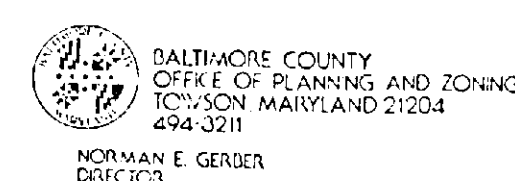
cc: Daft-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204



AGNES J. KERR, ET AL  
#B-86-339  
Item #5, Cycle II, 1985  
E/S BOSLEY AVENUE  
BETWEEN ALLEGHENY AND  
WEST PENNSYLVANIA AVENUE  
9th DISTRICT  
0-1 to B.M. - C.T.  
1.55 acres

Sept. 3, 1985 Petition filed

Scott Barthelemy, Esquire  
204 W. Pennsylvania Ave. (21204)  
Petitioner  
Agnes J. Kerr  
210 W. Pennsylvania Ave. (21204)  
John E. Sibrea and  
Viola I. Sibrea  
208 W. Pennsylvania Ave. (21204)  
Guy L. Zimmerman and  
Patricia Zimmerman  
208 W. Pennsylvania Ave. (21204)  
Millard D. Bloom and  
Trudy Bloom  
208 W. Pennsylvania Ave. (21204)  
Lex Land  
205/207 Allegheny Ave. (21204)  
Phyllis Cole Friedman  
People's Counsel  
Norman E. Gerber  
James G. Hoswell  
Arnold Jablon  
Jean M. H. Jung  
James E. Dyer  
James Earl Kraft  
Baltimore County Board of Education  
212 Alburgh Road (21204)



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

SEPTEMBER 24, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 17, 1985  
Item # 5 - CYCLE II  
Property Owner: AGNES J. KERR, ET AL  
Location: E/S BOSLEY AVE. BETWEEN ALLEGHENY AND WEST PENNSYLVANIA AVES.

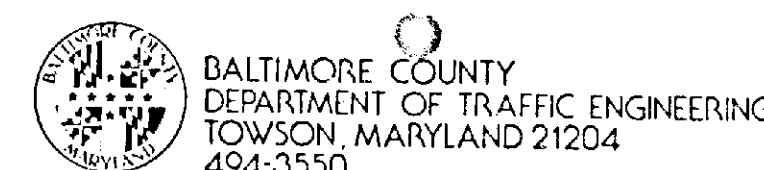
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment, AT THIS TIME.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Code.
- ☒ Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on 11/15/84.
- ☒ The property is located in a deficient service area as defined by 811.110-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued by the County Council.
- ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by 811.110-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ Additional comments: ANY FUTURE DEVELOPMENT ON THIS SITE MUST MEET THE REQUIREMENTS OF BILL 86-87.

cc: James Hoswell

Lynne A. Rober  
Chief, Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

September 23, 1985

Mr. William Hackett  
Chairman, Board of Appeals  
Office of Law, Courthouse  
Towson, Maryland 21204

Cycle II  
Item No. 5  
Property Owner: Agnes J. Kerr, et al  
Location: E/S Bosley Avenue, between Allegheny and West Pennsylvania Avenue  
Existing Zoning: O-1  
Proposed Zoning: B.M. - C.T.

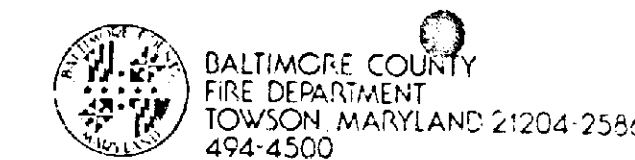
Area: 1.55  
District: 9th

Dear Mr. Hackett:

The existing O-1 zoning can be expected to generate approximately 370 trips per day. The proposed B.M.-CT zoning can be expected to generate 775 trips per day.

Michael S. Planigan  
Traffic Engineer Assoc. II

MSF/bld



PAUL H. RENCKE  
CHIEF

September 23, 1985

William Hackett  
Chairman, Board of Appeals  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Agnes J. Kerr, et al

Location: E/S Bosley Avenue, between Allegheny & W. Pa. Ave.

Item No.: 5

Zoning Agenda: Meeting of 9/17/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

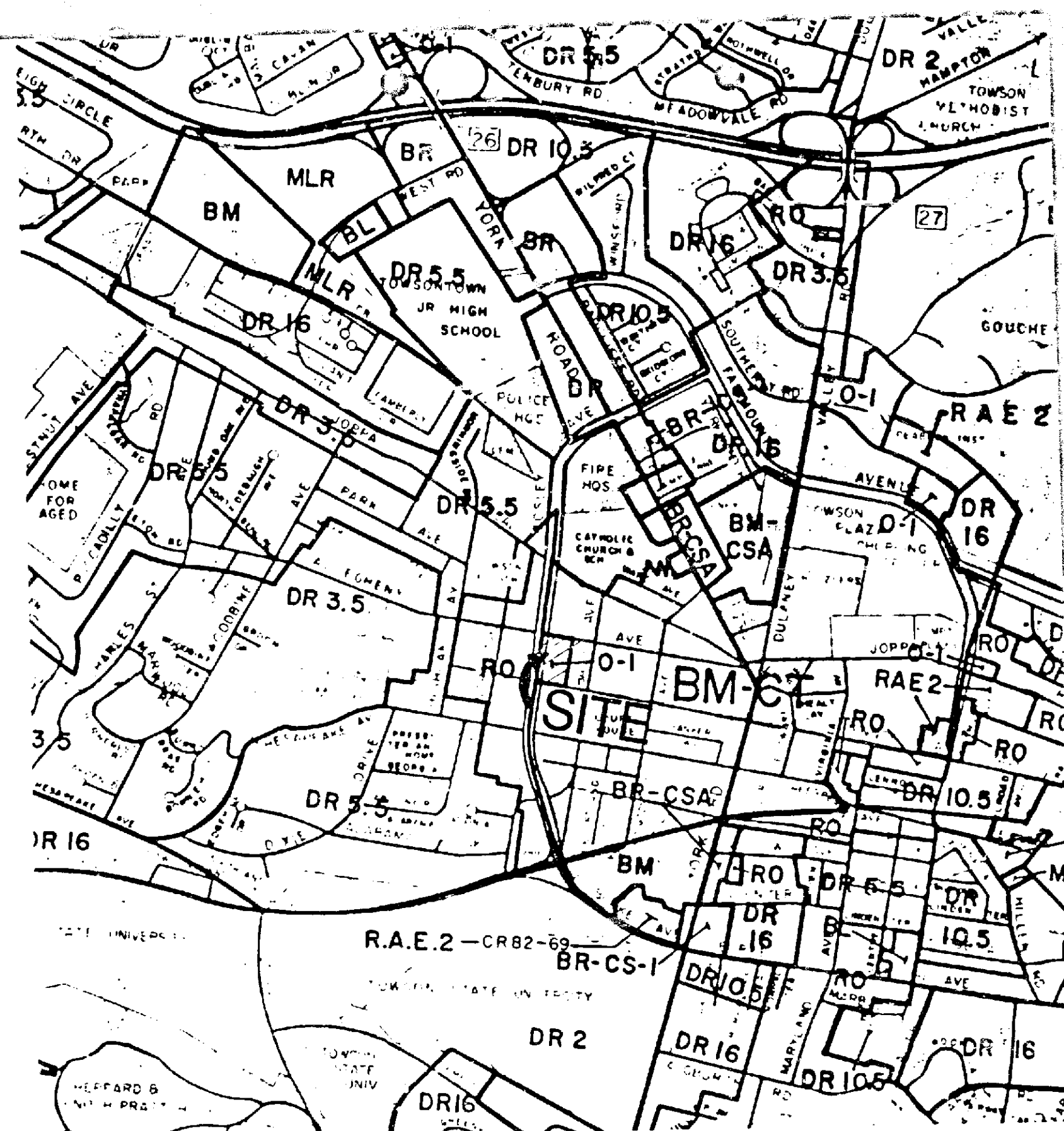
Mr. William Hackett, Chairman, Board of Appeals  
To: Mr. James Dyer, Zoning Supervisor Date: September 24, 1985  
FROM: Charles E. Burnham, Chief, Building Plans Review, Department of Permits and Licenses C.E.B.  
SUBJECT: Cycle II Zoning Meeting Scheduled 9/17/85

ITEM #5 - Agnes J. Kerr, et al  
E/S Bosley Avenue, between Allegheny and West Pennsylvania Avenues  
9th. Election District

The current Building Code as amended and adopted by Council Bill #17-85 is the 1984 Edition of the B.O.C.A. Basic National Building, Mechanical and Energy Codes. Any new construction, alterations, additions, change of use or occupancies shall comply with that Code as long as it remains in force.

Permits for proposed construction, change of occupancy, etc., etc., shall be required prior to any construction work.

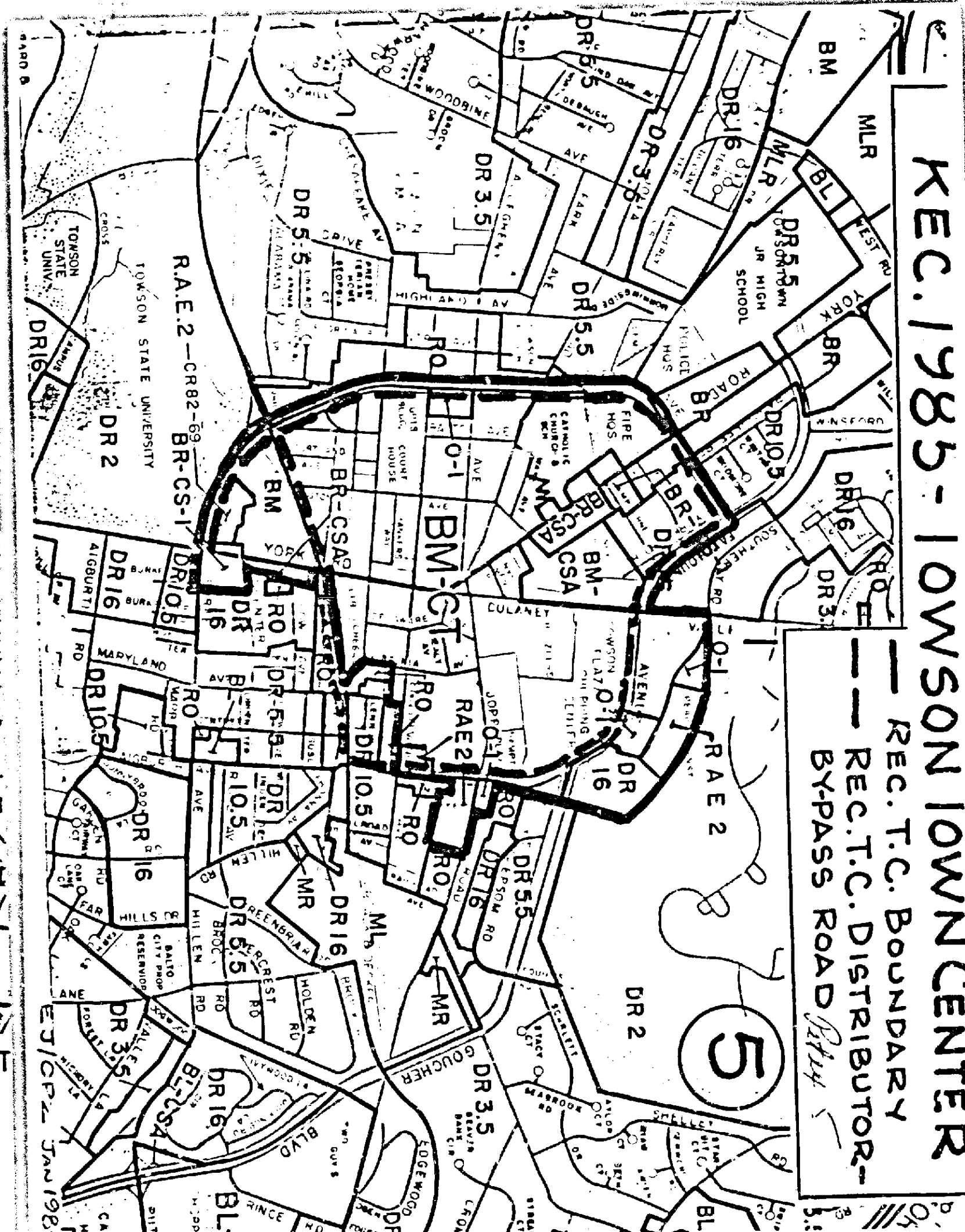
CER/vw



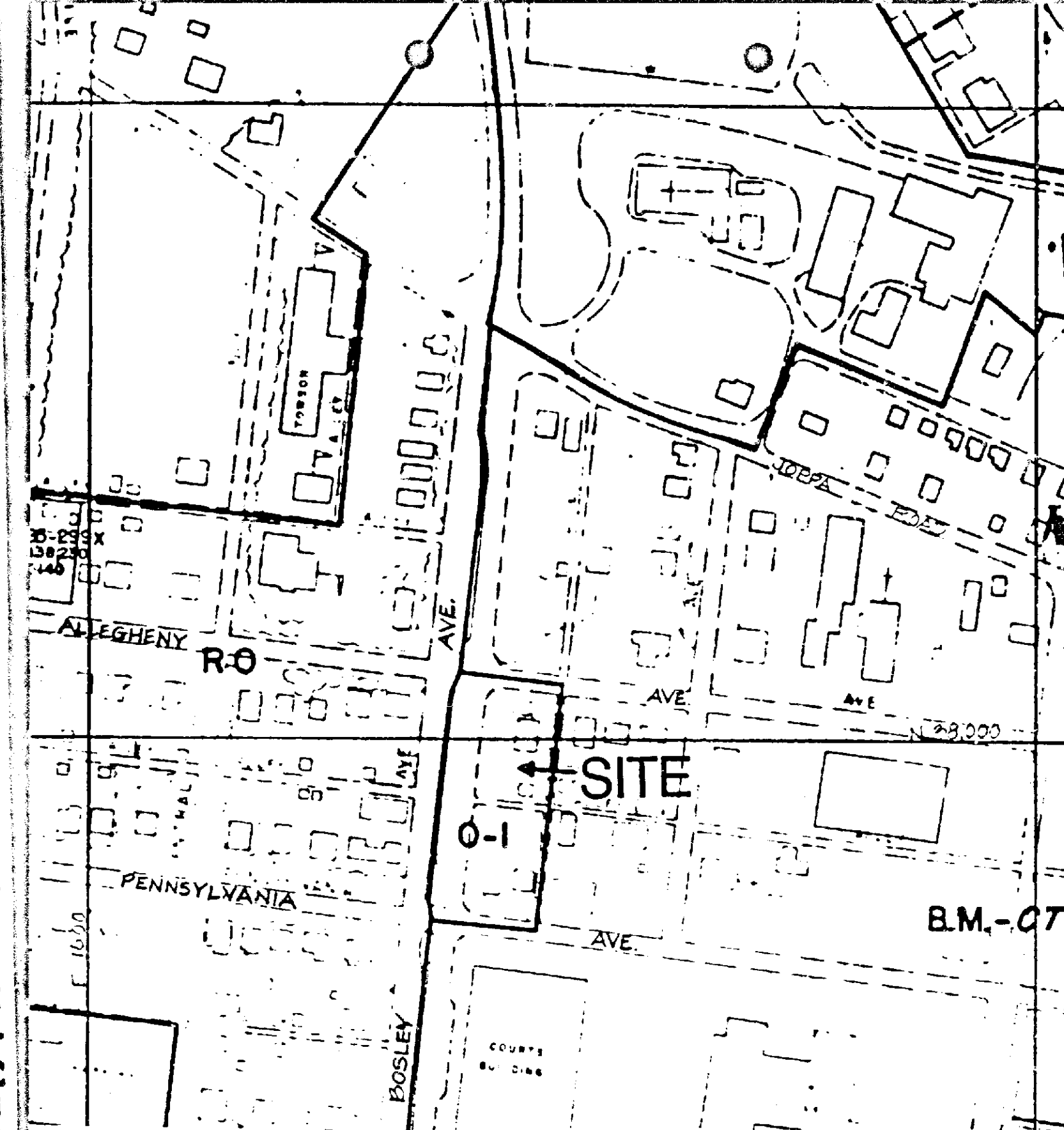
LEX LAND RECLASSIFICATION REQUEST  
PORTION OF ZONING MAP 3-C

SCALE: 1"=1,000'

Item 5 - Cycle II  
OFFICE COPY 85112



REC. 1985-10 WILSON TOWN CENTER  
REC. T.C. BOUNDARY  
BYPASS ROAD



LEX LAND RECLASSIFICATION REQUEST  
PORTION OF ZONING MAP N.E. 10A

SCALE: 1"=200'

Item 5 - Cycle II  
OFFICE COPY 85112



FIVE STORY OFFICE BUILDING  
EVERETT LIMITED PARTNERSHIP  
E.H.K., Jr. 6199 / 380

ALLEGHENY AVENUE

WEST PENNSYLVANIA AVENUE

BALTIMORE COUNTY, MARYLAND  
O.T.G. 5034 / 007

COUNTY COURTS BUILDING

- GENERAL NOTES
1. EXISTING ZONING = O-1
  2. PROPOSED ZONING = B.M.-CT
  3. AREA OF EX. O-1 ZONE = 1.55 AC.±
  4. AREA OF TITLE LOTS = 0.66 AC.±
  5. 4th COUNCILMANIC DISTRICT
  6. 9th ELECTION DISTRICT

POINT OF BEGINNING


ALLEGHENY AVENUE,  
INTERSECTION O-1 ZONE  
AND RO ZONE

BOSLEY AVENUE

NOTE: THIS PLAT HAS BEEN PREPARED FROM DEEDS AND OTHER  
TITLE SOURCES AND DOES NOT REPRESENT A SURVEY OF  
THE PROPERTY

 **DAFT · McCune · WALKER INC.**  
LAND PLANNING CONSULTANTS  
LANDSCAPE ARCHITECTS  
ENGINEERS  
530 EAST JOPPA ROAD  
TOWSON, MD. 21204  
TELEPHONE 301-298-3333

PLAT TO ACCOMPANY PETITION FOR THE  
PURPOSE OF ZONING RECLASSIFICATION,  
1.55 ACRE PARCEL, NORTH SIDE OF  
PENNSYLVANIA AVENUE, EAST SIDE OF  
BOSLEY AVENUE, SOUTH SIDE OF  
ALLEGHENY AVENUE  
9th ELECTION DIST., 4th COUNCILMANIC DIST.  
BALTIMORE COUNTY, MARYLAND



DATE	REVISIONS

SCALE: 1" = 20'	
JOB ORDER NO. 85112	
ISSUE DATE AUGUST 22, 1994	

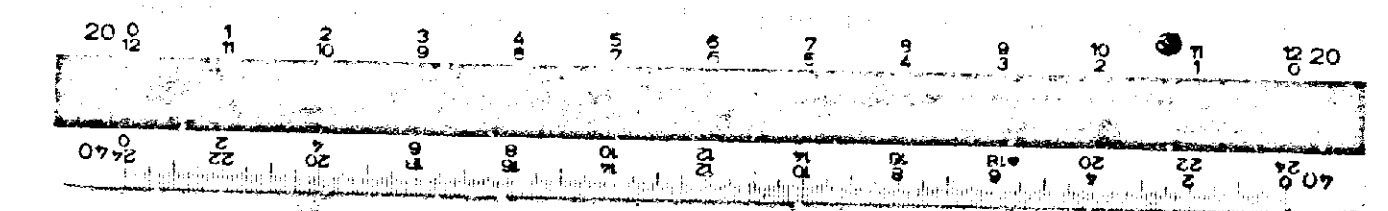




Plate 3

VOORH  
RD.

ALLEGHENY  
AVE.

PENN. AVE.

CAESAR  
AVE.

